

165 LAKE STREET, GRIMSBY
NIAGARA REGION

Planning Justification Report

Zoning By-Law Amendment Draft Plan of Subdivision

Prepared for:

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Sophie's Landing (Grimsby) Inc.

September 2023



*A. J. Clarke &
Associates Ltd.*

Proud of our Treasured Past – Building a Sustainable Future



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1 Introduction

The owner of the subject lands, the McRae Family and Sophie's Landing (Grimsby) Inc., has made an application for a Zoning By-law Amendment and Draft Plan of Subdivision to facilitate the development of the lands municipally known as 165 Lake Street along with the west-adjacent vacant parcel, in the Town of Grimsby.

The subject lands have a total lot area of approximately ± 1.29 hectares in size having approximately ± 116.5 metres of frontage along Lake Street. The subject lands abut the shore of Lake Ontario. A Zoning By-law Application is being sought to facilitate the construction of 31 new residential dwellings on the subject lands accessed through a new private condominium road: resulting in a density of ± 24 units per hectare. A one (1) Block Draft Plan of Subdivision is also proposed to facilitate the future condominium application.

As part of the complete application submission under *The Planning Act*, in addition to this Planning Justification Report, the following materials are also submitted as part of complete applications for the proposed Zoning By-law Amendment and Draft Plan of Subdivision Applications:

- | | |
|---|---------------------------------------|
| 1. Plan of Survey | J.D. Barnes Ltd |
| 2. Concept Plan | Studio C2 |
| 3. Draft Plan of Subdivision | J.D. Barnes Ltd. |
| 4. Architectural Package/ Elevations/ Fire Plan | Studio C2 |
| 5. Landscape Plan | Landmark Environmental Group Ltd. |
| 6. Stage 1-2 Archaeological Assessment | New Era Archaeology |
| 7. Phase I ESA | Soil Engineers Ltd. |
| 8. Geotechnical Study | Soil Engineers Ltd. |
| 9. Shoreline Hazard Assessment | Shoreplan Engineering Ltd. |
| 10. Environmental Impact Assessment | Terrastory Environmental Inc. |
| 11. Arborist Report & Tree Protection Plan | Terrastory Environmental Inc. |
| 12. Functional Servicing Report: | Pearson Engineering Ltd. |
| a) Water and Sanitary Servicing Plans | |
| b) Pre and Post Development Drainage Plans (STWM Plans) | |
| c) Preliminary Site Grading Plan | |
| d) Environmental Protection Plan (ESC Plan) | |
| 13. Noise Study | dBa Acoustical Consultants Inc. |
| 14. Odour Impact Assessment | Independent Environmental Consultants |

Sections 2 and 3 of this report discuss the subject lands and the proposed development, while Section 4 outlines how this proposal relates to the applicable Provincial and municipal land use planning policy documents. Section 5 discusses the various submitted technical materials and how they relate to the proposed development. Lastly Section 6 outlines the proposed Public Consultation Strategy, and Section 7 provides concluding remarks and a professional planning opinion.

2 Description of Subject Lands & Surrounding Neighbourhood

The subject site is located along the northern boundary of the Town of Grimsby along the shore of Lake Ontario. The lands are accessed via Lake Street. The subject lands are generally flat and contain a single-detached dwelling with associated accessory structures, inground swimming pool, and a number of existing trees. These dwelling and accessory buildings and uses are proposed to be demolished in favour of the proposed development.

The subject lands are surrounded by the following uses:

- North – Lake Ontario
- South – Grimsby Wastewater Treatment Plant; Public Park
- East - Existing Single Detached Dwellings
- West - Existing Single Detached Dwellings



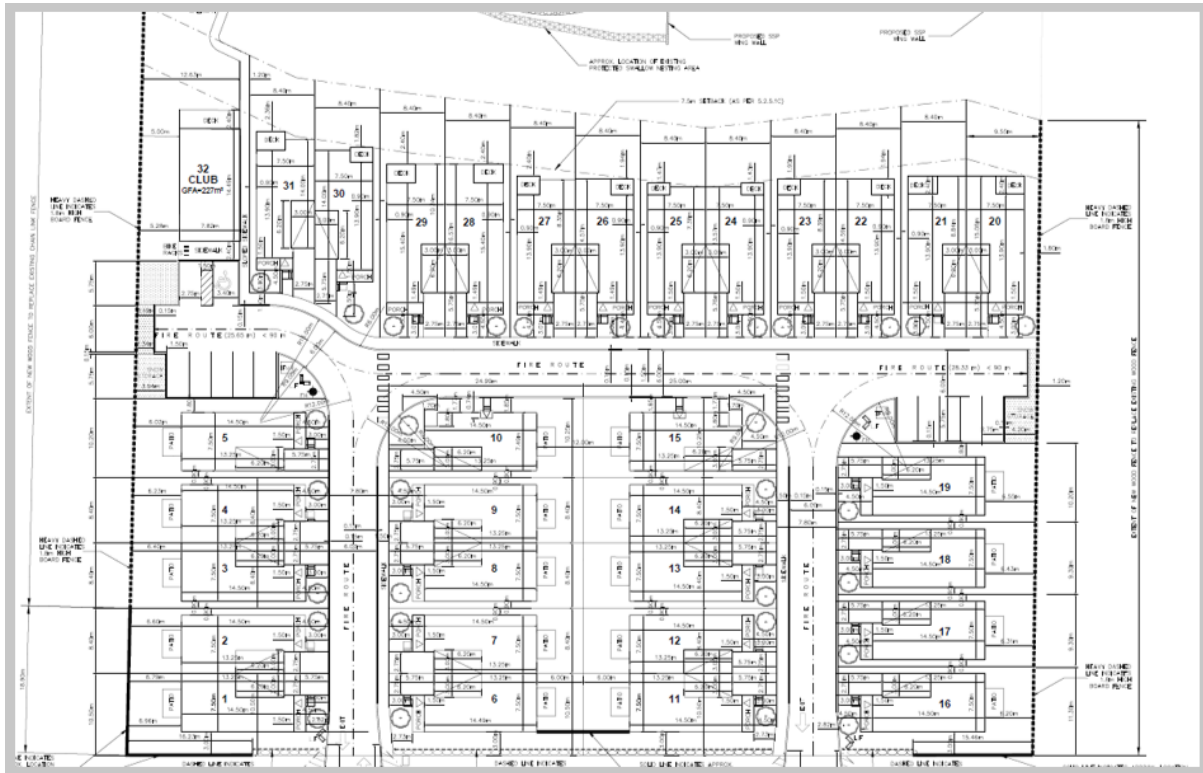
Generally, the surrounding neighbourhood consists of low-density residential lands, with various local amenities such as parks, dog parks and beaches. A Place of Worship exists nearby the subject lands as well as a public school. Access to the QEW is provided nearby through the Bartlett Avenue Interchange. The Grimsby GO Station and downtown Grimsby are located approximately 1.7 kilometres from the subject lands.




The lands are designated in the Town of Grimsby Official Plan as “Low Density Residential Area”, with a Hazard Land Area Overlay along Lake Ontario. The lands along the northern boundary abutting the Lake are designated as ‘Environmental Conservation Area’ (as per Schedule B-2).

The subject lands do not have access to public transit at the time of writing this report. The subject lands are along a regional, two-way, bicycle route and the Waterfront Trail.

3 Proposed Development



 AJC | Not to Scale | File #: 218047 🕒
 165 Lake Street, Grimsby
 SUBJECT SITE Excerpt from Concept Site Plan

The proposed development consists of a total of 31 dwelling units, having a net residential density of ±24 units per hectare. Of the total 31 dwelling units, 24 are within semi-detached dwellings, and seven are single detached dwellings. Each dwelling across the subject lands will feature an attached garage with front yard driveway access. In total, 12 visitor parking spaces have been provided (1 barrier-free space). A private amenity clubhouse with rear deck is featured in the northeastern corner of the development. An amenity clubhouse is also proposed for residents to use as a shared social space. This clubhouse will be a similar built form to the single-detached dwellings proposed. Of note, there is an existing Bank Swallow Nest located within the existing bluff along the north portion of the property. The proposed redevelopment intends to accommodate the existing nests using an Armour Stone revetment wall with built-in nesting for the bank swallows. Further details are provided within this report and concurrently submitted Environmental Impact Study.



The looping, private condominium right-of-way is accessed in two locations from Lake Street; this right-of-way will include pedestrian sidewalks along one side of all roads. Noise attenuation methods include acoustical gate added to the construction of the semi-detached dwellings closest to Lake Street, and 2.43-metre-high noise barriers enclosing the yards of the dwellings located at the southwest and southeast corners. One street tree per unit is proposed.

For further details, please refer to the concurrently submitted Concept Plan and Draft Plan of Subdivision, attached hereto as Appendices A and B.

The submitted Zoning By-law Amendment application is being considered to amend the Town of Grimsby Zoning By-law No. 14-45 by rezoning the lands from Residential Detached 2 (RD2) and Neighbourhood Development (ND) Zones to Multiple Residential 1 (RM1) Zone. Further details regarding the specifics of the Zoning By-law Amendment request can be found in Section 4.5 of this report, and within the Draft Zoning By-law, hereto attached as Appendix C. The concurrently submitted Draft Plan of Subdivision will create one entire block of the subject lands.

4 Planning Policy Framework

The following land use planning policy and zoning instruments are considered in this Section:

- Planning Act (2023)
- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Greenbelt Plan (2017)
- Niagara Regional Official Plan (2022)
- Town of Grimsby Official Plan
- Town of Grimsby Zoning By-law

4.1 Planning Act, R.S.O. 1990

The *Planning Act* is provincial legislation that sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them.

Section 2 of the *Planning Act* which lists matters of provincial interest that shall be regarded in any planning matter. The matters of provincial interest that are applicable to the proposed development are highlighted below.

The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;*



- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- (g) the minimization of waste;*
- (h) the orderly development of safe and healthy communities;*
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (o) the protection of public health and safety;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place,*

The proposed development has provided numerous studies and reports including an Environmental Impact Assessment, Arborist Report and Tree Protection Plan, Landscape Plan, and Stormwater Management Plan that all represent regard has been made for the protection of ecological systems, including natural areas, features and functions. Setbacks have been provided for the Lake Ontario shoreline as well as a development setback from a protected swallow nesting area to protect from erosion hazards.

The implementation of the proposed residential infill development will assist with suppressing demand for urban sprawl, thereby having regard for the existing agricultural resources surrounding Grimsby's Urban Boundary. The conservation of features of significant cultural, historical, archaeological or scientific interest have been regarded by providing the required Stage 1 and 2 Archaeological Assessments. No artifacts were found on site.

The proposed infill development makes efficient use of existing infrastructure including the supply of water and energy, as well as communication, transportation, wastewater, and waste management systems. This contributes to the protection of the financial and economic well-being of the Province and the municipality of Grimsby. It also helps to minimize waste and sets the lands as an ideal location for intensification in an orderly and safe manner that is well-designed and encourages a sense of place. The proposed development has sufficient regard for the applicable matters of Provincial Interest.

4.2 Provincial Policy Statement (2020)

The current Provincial Policy Statement (PPS) came into effect on May 1st, 2020. The principles of the PPS are about managing change and promoting efficient, cost-effective development and land use



patterns, which encourage strong, sustainable, and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy. The intention of the concurrently submitted applications and related plans, reports, studies, etc., is to implement a form of residential development for the subject lands which are consistent with the directions established within the PPS.

Section 1.0 – Building Strong Health Communities

Section 1 of the PPS mandates efficient land use and development patterns that encourage liveable, sustainable, and healthy communities. Section 1.1 further details this direction, with the following PPS Policies being particularly relevant to the proposal:

- Policy 1.1.1 Healthy, liveable and safe communities are sustained by:
- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; avoiding development and land use patterns which may cause environmental or public health and safety concerns;
 - c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
 - e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
 - f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
 - g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
 - h) promoting development and land use patterns that conserve biodiversity;
- Policy 1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.



Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

The proposed development represents a cost-effective and efficient land use pattern as the additional residential lots will utilize existing public infrastructure and servicing, as illustrated in the concurrently submitted Functional Servicing Report prepared by Pearson Engineering Ltd. The proposed development setbacks provide protection of the environmental conservation area along the shoreline and also maintain distance for the swallow nesting area. The lot configuration in the Concept Plan (Appendix A) maximizes the land area as it provides an additional 30 units over what currently exists. This intensification avoids a sprawled development pattern and minimizes land consumption, while utilizing existing infrastructure and servicing systems.

Several public service facilities are in proximity of the subject lands including several parks and beaches, elementary school, and community hall. While there currently is no public transit available in the vicinity of the lands, the intensification of residential use would help support a public transit line, if provided in the future. Geotechnical studies provided for the development have established the stable slope allowance, along with a 7.5-metre setback, ensuring safe development of the lands. Further discussion regarding the proposed works within the stable slope allowance are provided below.

The subject lands are within a *settlement area* as defined in the PPS. Lands that are within *settlement areas* shall be the focus of development and growth. The following PPS policies relate to development in *settlement areas* which are relevant to the proposed development and confirm its appropriateness:

Policy 1.1.3.1 *Settlement areas* shall be the focus of growth and development.

Policy 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure and public service facilities* which are planned or available, and avoid the need for their unjustified and/ or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a *changing climate*;
- e) support *active transportation*
- f) are *transit-supportive*, where transit is planned, exists or may be developed;

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Policy 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.



The proposed intensification development is located within a settlement area. The proposed development concept is within the density target outlined in the General Policies of Low-Density Residential Areas in the Town of Grimsby Official Plan, to be discussed later in this report. The proposed Concept Plan (Appendix A) represents a more compact form of development compared to the existing condition and is compatible with surrounding land uses while providing for a wider range of housing types. The proposed shoreline setbacks will mitigate any identified hazards that may pose risks to public health and safety. To this end, a Shoreline Hazard Assessment has been prepared and submitted identifying the shoreline improvements necessary to ensure that the shoreline is protected.

Section 1.2 of the PPS contains policies specific to the coordinated, integrated, and comprehensive approach when dealing with planning matters. Subsection 1.2.6 deals with Land Use Compatibility between major facilities and sensitive land uses.

Policy 1.2.6.1 *Major facilities and sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.

Policy 1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and *development* of proposed adjacent *sensitive land uses* are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) *adverse effects* to the *proposed sensitive land use* are minimized and mitigated; and
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

The subject lands are located opposite the Baker Road Wastewater Treatment Plant (BR-WWTP), across Lake Street to the south. This facility is surrounded by other sensitive land uses in the form of low-density residential neighbourhoods and are designated to continue as residential lands as indicated in the Town's Official Plan.

The subject lands are currently underutilized, providing only a single dwelling within the residential designated area. Providing housing within an established settlement area is a key goal of the PPS. Intensification developments such as proposed will be needed to support a growing population. However, the need for intensification is to be balanced with the need to ensure compatibility between sensitive land uses.



The concurrently submitted Noise Study prepared by dBA Acoustical Consultants Inc. found that the facility did not generate any noise, other than trucks periodically accessing the ground. The predominant noise source came from the QEW traffic to the south. Noise mitigation techniques have been implemented in the Concept Plan through noise barriers and acoustical gates to reduce the effects of highway noise, along with a recommendation for STC requirements of all windows, walls, and patio doors throughout the site.

Based on the results of the concurrently submitted Land Use Compatibility: Odour Assessment prepared by Independent Environmental Consultants, the Development Project is expected to be compatible with the surrounding land uses from an odour perspective, given the limited number of historical complaints received from the community, the prevailing wind directions/conditions, the existing residential zoning and separation distances associated with BR-WWTP and the various regulatory obligations and control measures that are currently employed by the BR-WWTP to minimize odour impacts.

Section 1.4 of the PPS contains policies specific to housing. The following sections are relevant to this proposal:

Policy 1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and

b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

Policy 1.4.2 Where planning is conducted by an upper-tier municipality:

a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and

b) the allocation of population and units by the upper-tier municipality shall be based on and reflect *provincial plans* where these exist.

Policy 1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing need of current and future residents of the *regional market area* by:

b) permitting and facilitating:

1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs*



- requirements and needs arising from demographic changes and employment opportunities; and
2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;
- f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The proposed development is an appropriate form of residential intensification that makes safe and efficient use of land while providing additional housing options in a more compact built form to the existing neighbourhood. The proposed redevelopment will contribute to the planned intensification targets for the Town of Grimsby. The redevelopment is within existing infrastructure and in proximity to public service facilities and within an area supplied with appropriate servicing and infrastructure to support new housing. While transit does not currently exist in the area, this form of development can help to bring about the demand for and support transit services.

The subject lands are along a regional, two-way, bicycle route and the Waterfront Trail. The proposed development does provide pedestrian sidewalks throughout, as well as a walkway providing access to the shoreline, promoting a more active lifestyle and active transportation. The proposal is consistent with the Housing Policies of the PPS.

Section 1.6 of the PPS contains policies related to infrastructure and public service facilities. Subsection 1.6.6 outlines policy regarding Water and Wastewater services as well as Stormwater Management:

Policy 1.6.6.2 *Municipal sewage services and municipal water services* are the preferred form of servicing for *settlement areas* to support protection of the environment and minimize potential risks to human health and safety. Within *settlement areas* with existing *municipal sewage services* and *municipal water services*, *intensification* and *redevelopment* shall be promoted wherever feasible to optimize the use of the services.

Policy 1.6.6.6 Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5, planning authorities may allow lot creation only if there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services*. The determination of sufficient *reserve sewage system capacity* shall include treatment capacity for hauled sewage from *private communal sewage services* and *individual on-site sewage services*.



- Policy 1.6.6.7 Planning for stormwater management shall:
- a) be integrated with planning for *sewage and water services* and ensure that systems are optimized, feasible and financially viable over the long term;
 - b) minimize, or, where possible, prevent increases in contaminant loads;
 - c) minimize erosion and changes in water balance, and prepare for the *impacts of a changing climate* through the effective management of stormwater, including the use of *green infrastructure*;
 - d) mitigate risks to human health, safety, property and the environment;
 - e) maximize the extent and function of vegetative and pervious surfaces; and
 - f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

The Water and Sanitary Servicing Plan (prepared by Pearson Engineering Ltd) demonstrates sufficient flows within the existing system to support the proposed development. The proposed development will be connected to existing water and sanitary services that can support the development density proposed. The post development stormwater drainage for the majority of the site will generally follow pre-development conditions. Most of the site will drain by overland flow to a catch basin and storm sewer system sized for the 5-year storm peak flows. The storm sewer will convey stormwater through an oil-grit separator (OGS) unit and outlet to Lake Ontario. In the event of a storm greater than the 5-year storm, an overland flow route will convey the 100-year storm through the project's roadways and a swale along the easterly property line to Lake Ontario.

Subsection 1.6.7 outlines policy for Transportation Systems planning. The following policies are particularly relevant to the proposed development:

- Policy 1.6.7.2 Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management strategies*, where feasible.
- Policy 1.6.7.3 As part of a *multimodal transportation system*, connectivity within and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.
- Policy 1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*.

The proposed development makes efficient use of, and is connected to, the existing infrastructure of the Lake Street collector road and Waterfront Trail (multi-use) transportation systems. The multi-use trail system promotes active transportation and connects multiple communities across several jurisdictions. The increased density will help support any future transit options, if municipally implemented.

Section 1.7 of the PPS outlines policy that will assist planning in supporting the long-term economic prosperity of the province and municipalities. The following policies are relevant to the proposal:

- Policy 1.7.1 Long-term economic prosperity should be supported by:



- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of *housing options* for a diverse workforce;
- c) optimizing the long-term availability and use of land, resources, *infrastructure and public service facilities*;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;
- g) providing for an efficient, cost-effective, reliable *multimodal transportation system* that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- i) sustaining and enhancing the viability of the *agricultural system* through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the *agri-food network*;
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature;

The proposed development increases the range of housing and housing stock within the existing residential neighbourhood. The development optimizes the available lands while connecting to multiple existing infrastructure systems including water, wastewater, energy, and transportation. Several public service facilities are in proximity to the site. The subject lands are located along a multi-use trail system that connects several communities. Attractive internal streetscapes and built form will create a sense of place. Through intensification of the existing lands, the demand for urban expansion is reduced, thereby contributing to the protection of agricultural resources. The stormwater management plan, natural open space setbacks, and setbacks provided for bank swallow nesting areas reduce the impact on the ecological systems within a residential development in an urban boundary. Further details regarding the existing bank swallow nest are provided below.

Section 1.8 sets policy directed at energy conservation, air quality, and working to prepare for and minimize the effects of climate change. The following policies are applicable to the proposed development:

Policy 1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the *impacts of a changing climate* through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of *active transportation* and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- e) encourage *transit-supportive* development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and *green infrastructure*; and



- g) maximize vegetation within *settlement areas*, where feasible.

The proposed intensification development utilizes a compact built form along multimodal transportation systems connecting multiple communities helping to promote a more active transportation system. The intensification of the site will help support transit along the collector road, should it be provided by the Town or Region. Consideration for the natural vegetation along the shoreline has been made and multiple setbacks have been provided for the natural shoreline and bank swallow nesting. Further, the proposed revetment wall will provide for secure future bank swallow nesting area. The concurrently submitted Landscape Plan illustrates the capacity for proposed front yards to facilitate tree plantings, along with shrubs and smaller trees along flank yards and southern boundary adjacent to Lake Street. The development has planned for accommodating both Stormwater and Species at Risk which are located on this site. The proposal is consistent with the above noted policies.

Section 2.0 – Wise Use and Management of Resources

Section 2 of the PPS relates to the management and conservation of natural heritage features, water, agricultural, mineral, and cultural heritage and archaeological resources to preserve their economic, environmental, and societal benefits. The subject lands are located adjacent to a significant natural resource in Lake Ontario. Further, there exists a Bank Swallow Nest along the shoreline. The following PPS Policies are particularly relevant to the proposal:

- Policy 2.1.1 Natural features and areas shall be protected for the long term.
- Policy 2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features and ground water features*.
- Policy 2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E1, recognizing that *natural heritage systems* will vary in size and form *in settlement areas, rural areas, and prime agricultural areas*.
- Policy 2.1.5 *Development and site alteration* shall not be permitted in:
- d) *significant wildlife habitat*;
- unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.
- Policy 2.1.7 *Development and site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.
- Policy 2.1.8 *Development and site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features and areas* identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.



The proposed development contains lands designated as Environmental Conservation Area along the shoreline of Lake Ontario. Lake Ontario is also considered a Type 1 (Critical) Fish Habitat; a bank swallow nesting area was also found on the subject lands. As per the submitted Environmental Impact Study, the proposed development will replace the existing bank swallow nesting area with appropriate nesting facilities within the armour stone revetment wall. Work is already underway with the MECP to facilitate the construction of the wall and to accommodate for the bank swallow nesting area.

Subsection 2.2 outlines policy that intends to protect, improve, or restore the quality and quantity of water. As the subject lands are adjacent to the Lake Ontario shoreline and, as per Appendix 5 of the Town of Grimsby Official Plan, are within an area of High Aquifer Vulnerability the following policies are relevant:

- Policy 2.2.1
- b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-watershed impacts;
 - d) identifying water resource systems consisting of *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed*;
 - e) maintaining linkages and related functions among *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas;
 - f) implementing necessary restrictions on *development and site alteration* to:
 - 1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
 - 2. protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;
 - i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

Policy 2.2.2 *Development and site alteration* shall be restricted in or near *sensitive surface water features and sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features, sensitive ground water features, and their hydrologic functions*.

The Town of Grimsby has identified natural areas to be maintained as shown in the Urban Grimsby Official Plan Schedule B – Natural Heritage System. There is a small area identified as “Core Area” and “Linkages” at the northern limit of the subject lands (Figure 7). The Core Area on site is Lake Ontario at the northern limit of the subject lands (Terrastory EIS). The proposed development provides a



development buffer from the approximate shoreline ranging from 25-30 metres. This buffer includes a natural vegetation area and the location of a bank swallow nesting area. The Slope Stability Assessment concurrently submitted establishes a stable slope; any proposed development is set back 7.5 metres from stable slope. While the overall permeability of the lands is reduced, the Lake Ontario shoreline is buffered from the development and the shoreline linkage is maintained.

This area has also been designated on Schedule B of the Town of Grimsby Official Plan as Natural Hazard Land due to the potential flooding and erosion hazards along the Lake Ontario shoreline. Development within and adjacent to the natural hazard lands shall ensure the feasibility of development and protection of the natural heritage system through appropriate development setbacks and geotechnical evidence determining the soil, top of slope, and slope stability and capability support any development. The concurrently submitted Shoreline Hazard Assessment, Geotechnical Study, and Environmental Impact Study have shown to support the proposed development following their recommendations. Please refer to these studies directly for greater details. A Permit will be required from the NPCA to facilitate this development.

Section 2.6 of the PPS relates to Cultural Heritage and Archaeology. The concurrently submitted Stage 1-2 Archaeological Assessment Report (prepared by New Era Archaeology) support the following:

- Policy 2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*
- Policy 2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*
- Policy 2.6.3 *Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*
- Policy 2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.
- Policy 2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

The Stage 1 Archaeological Assessment, prepared by New Era Archaeology, found that the subject lands exhibited moderate to high potential for archaeological resources. The Stage 2 Assessment identified one archaeological resource from one positive test pit representing an isolated find spot, not constituting an archaeological site. Cultural affiliation of this resource could not be determined due to the non-diagnostic nature of the artifact. The Stage 1 and 2 Archaeological Assessments meet the above policies and demonstrate that “no further archaeological assessment of the project area is recommended.” (Stage 2 Archaeological Assessment, New Era Archaeology).

Section 3.0 – Protecting Public Health and Safety



Section 3 of the PPS provides guidelines to ensure the protection of public health and safety. A priority of this Section is to manage and mitigate new and existing natural risks or human-made hazards in development. The following policies would be particularly relevant to this proposal:

Policy 3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards* and/or *dynamic beach hazards*;
- c) *hazardous sites*.

Policy 3.1.2 *Development* and *site alteration* shall not be permitted within:

- c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

Policy 3.1.4 Despite policy 3.1.2, *development* and *site alteration* may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:

- b) where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

Lake Ontario is located along the entire northern length of the subject lands. No dynamic beach hazard was identified on site (Shoreline Hazard Assessment, Soil Engineers Ltd.). The flood and erosion hazards will not constrain the proposed development. The wave uprush calculations concluded that since the design wave did not overtop the bank, the flood hazard limit is located on the bank and is not the governing hazard (Shoreline Hazard Assessment, Soil Engineers Ltd). The erosion hazard is therefore the governing hazard for the subject site (Shoreline Hazard Assessment, Soil Engineers Ltd).

Policy 3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *development* and *site alteration* is carried out in accordance with *floodproofing standards, protection works standards, and access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

Floodproofing standards are defined as “the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate *flooding*”



hazards, wave uprush and other water-related hazards along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems and large inland lakes, and flooding hazards along river, stream and small inland lake systems (PPS, 2020)." As previously mentioned, flood hazards will not constrain the proposed development as the flood hazard limit is located on the bank, as identified in wave uprush calculations (Shoreline Hazard Assessment, Shoreplan Engineering Limited). Protection works standards are defined as "the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by *flooding hazards, erosion hazards and other water-related hazards*, and to allow access for their maintenance and repair (PPS, 2020)."

In the concurrently submitted Shoreline Hazard Assessment, prepared by Shoreplan Engineering Limited, an armour stone revetment with a 50-year design life along with a 7.5 minimum setback have been proposed to mitigate potential erosion. Access standards are defined in the PPS (2020) as "means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, erosion hazards and/or other water-related hazards". The current site plan shows a 5-metre-wide access route for any future maintenance along the shoreline.

The proposed private road that allows vehicles and people to safely enter and exit their homes is located outside of the identified erosion hazard limit on the Shoreline Hazards - Site Plan (Shoreline Hazard Assessment, Soil Engineers Ltd).

c) new hazards are not created and existing hazards are not aggravated; and

As described in the Shoreline Hazard Assessment, prepared by Shoreplan Engineering Limited, the governing hazard on the subject lands is the erosion hazard. No new hazards are created, and the proposed development will have adequate protection from development.

d) no adverse environmental impacts will result.

The EIS, prepared by Terrastory Environmental Inc. provided numerous recommendations, in coordination with the MECP, to protect the existing flora and fauna that may be affected by the proposed development. For details of these recommendations please refer to the concurrently submitted EIS.

Section 3.2 outlines policy directed to protect communities from Human-Made Hazards.

Policy 3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.

As per the concurrently submitted Phase One ESA, prepared by Soil Engineers Limited, historical evidence reports previous land use of the subject lands as an orchard and pesticides may have been used. The historical existence of above-ground oil storage tanks has also been documented. Further, the presence of fill material of unknown quality was found throughout the site, including a stockpile of unknown soil fill material. An outdoor fire pit is also located on site. As per the recommendations of the Phase One ESA Report, it was recommended that a Phase Two ESA be conducted to address the issues described above. A Phase II ESA will be conducted at the Site Plan Stage of Development.



As discussed above and as confirmed within the relevant studies and reports submitted in conjunction with the requisite applications, the proposed development is consistent with the applicable policies of the Provincial Policy Statement (2020).

4.3 Growth Plan for the Greater Golden Horseshoe (2020)

In 2019 the Ministry of Municipal Affairs and Housing approved a new version of the Growth Plan, which came into force and effect on May 16th of that same year. The Growth Plan (2019) replaced the Growth Plan (2017). Amendment 1 (2020) to the Growth Plan for the Greater Golden Horseshoe 2019 was approved by the Lieutenant Governor in Council, Order in Council No 1244/2020 to take effect on August 28, 2020. All decisions made on or after August 28, 2020 in respect of the exercise of any authority that affects a planning matter will conform with the Growth Plan (2020), subject to any legislative or regulatory provisions providing otherwise.

The 2020 iteration of the Growth Plan builds upon the previous Growth Plan (2019) in its direction to prioritize intensification, support the achievement of complete communities, support a range, and mix of housing options, protect, and enhance natural heritage systems, support, and enhance the long-term viability of agriculture, conserve and promote cultural heritage resources, and integrate climate-change considerations into planning and managing growth. The following guiding principles of the Growth Plan are supportive of the proposed development:

- Support the achievement of *complete communities* that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- Prioritize *intensification* and higher densities in *strategic growth areas* to make efficient use of land and *infrastructure* and support transit viability.
- Support a range and mix of housing options, including additional residential units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the *GGH*.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

Section 2.2 of the Growth Plan contains policies that govern where and how communities will grow. The following policies are relevant to the proposed development:

Pol. 2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*;
and
 - iii. can support the achievement of *complete communities*;



- c) within *settlement areas*, growth will be focused in:
 - i. *delineated built-up areas*;
 - ii. *strategic growth areas*;
 - iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
 - iv. areas with existing or planned *public service facilities*;
- d) development will be directed to *settlement areas*, except where the policies of this Plan permit otherwise;
- e) development will be generally directed away from *hazardous lands*;

The above policies speak to the necessity of allocating growth within existing settlement areas that have access to existing municipal infrastructure including water, wastewater, transportation, and multi-modal transportation systems.

The subject lands are shown to be within the Greenbelt Plan in Schedule B - A Place to Grow Concept. Appendix II of the Greenbelt Plan designates the Town of Grimsby as “Towns / Villages” and Schedule B – Regional Structure of the Niagara Official Plan shows the subject lands to be designated “Urban Area: Delineated Built-Up Area.”

The proposed intensification of the site will provide transit-supportive growth, should the municipality or region implement it. The multi-modal Waterfront Trail provides active transportation connections to several jurisdictions. Numerous public service facilities are in proximity to the site including parks, schools, places of worship and community halls.

While the subject lands do contain lands designated as Natural Hazard Lands, the proposed development will provide adequate setbacks, along with an armour stone revetment, to mitigate flooding and erosion hazards, as demonstrated through the concurrently submitted Shoreline Hazard Assessment.

Pol. 2.2.1.3 Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:

- a) establish a hierarchy of *settlement areas*, and of areas within *settlement areas*, in accordance with policy 2.2.1.2;
- c) provide direction for an urban form that will optimize *infrastructure*, particularly along transit and transportation corridors, to support the achievement of *complete communities* through a more *compact built form*.
- d) Support the environmental and agricultural protection and conservation objectives of this Plan;

With respect to the above policies, the development proposal represents an efficient development on an underutilized parcel of land within a settlement area. Accordingly, the proposal optimizes the use of existing infrastructure along Lake Street and is currently underutilized. The site is a desirable location to allocate additional density. As the proposal is located within the existing settlement area, the proposal supports the overall objectives of the Growth Plan, being to conserve agricultural lands



and environmental features. Natural buffers have also been provided to help with environmental protections.

Pol. 2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. *public service facilities*, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;
- e) provide for a more *compact built form* and a vibrant *public realm*, including public open spaces.
- f) mitigate and adapt to the *impacts of a changing climate*, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate *green infrastructure* and appropriate *low impact development*.

With respect to the above policies, the proposed development will contribute to the range of land uses that are found particularly within this neighbourhood. The range of dwelling unit types proposed will assist in ensuring that housing needs are met for a broad range of incomes. The proposal also will assist in expanding access to transit and other desirable transportation modes such as cycling, as the site is located along a multi-modal transportation network. The development represents an efficient and compact built form that contributes to infill development that makes efficient use of space within a built-up area, reducing the need to expand the settlement boundaries – assisting in the sustainability efforts of the Region and Town. The concurrently submitted landscape plan shows the protected development buffer along with armour stone revetment wall with bank swallow nesting area. The plan also illustrates the capacity for tree plantings on each residential unit abutting the condominium road. Further plantings could be located within many rear yards provided and shrubbery and small trees are proposed along Lake Street and in the internal flankage yards.



The condominium road is connected to the Lake Street public right-of-way. A five-metre-wide access to the shoreline has been proposed at the northwestern limit of development.

Subsection 2.2.2 pertains to policies for lands designated as Delineated Built-Up Areas.

Pol. 2.2.2.1 By the time the next *municipal comprehensive review* is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:

- a) A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the *delineated built-up area*;

Pol. 2.2.2.3 All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will:

- c) Encourage *intensification* generally throughout the *delineated built-up area*;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

The regional Niagara Official Plan was approved November 4th, 2022. While this report will describe the regional official plan policies in greater detail in Section 4.4, it is important to note the region has set a minimum of 60% of all residential development to occur within built-up areas. The Town of Grimsby has set a residential intensification target rate of 98% to accommodate 4,500 new residential units.

As previously described, the lands are within a delineated built-up area and the proposed development is an efficient intensification of the residential lands that will contribute to the residential intensification targets outlined not only in the Growth Plan but also in the regional Niagara Official Plan. The requested Zoning By-law Amendment will facilitate this development.

Subsection 2.2.6 describes policy directed towards housing and residential development.

Pol. 2.2.6.1 Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:

- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
 - i. identifying a diverse range and mix of housing options and densities, including second units and *affordable* housing to meet projected needs of current and future residents; and
 - ii. establishing targets for *affordable* ownership housing and rental housing;



- b) identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);

Pol. 2.2.6.2 Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to the horizon of this Plan;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and,
- d) planning to diversify their overall housing stock across the municipality.

The above policies speak to the planned goals in relation to the planned intensification targets outlined in the Growth Plan. With respect to Policy 2.2.6.1, the proposed development contributes to the achievement of housing choice and density while accommodating the forecasted growth targets set in the Growth Plan and Official Plan. This neighbourhood consists of mainly single detached dwellings and the proposed development scheme will implement an alternative style of dwelling to support housing choice. The proposal contributes to the range of densities found within the neighbourhood, which is primarily in the form of single-detached with a few instances of semi-detached and row townhouse development.

In accordance with Policy 2.2.6.2, the proposal will assist in achieving the planned growth intended for the Town of Grimsby to the 2051 Planning Horizon by creating additional units within a desirable neighbourhood. The proposal will assist in achieving the minimum intensification targets while providing for greater housing choice within the surrounding neighbourhood.

Section 3 of the Growth Plan speaks to the provision of necessary infrastructure to support growth within Settlement Areas. Accordingly, the following policies are applicable:

Pol.3.2.1.1 *Infrastructure* planning, land use planning, and *infrastructure* investment will be co-ordinated to implement this Plan.

Pol.3.2.1.2 Planning for new or expanded *infrastructure* will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental planning and financial planning, and will be supported by relevant studies and should involve:

- a) leveraging *infrastructure* investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;
- b) providing sufficient *infrastructure* capacity in *strategic growth areas*;
- c) identifying the full life cycle costs of *infrastructure* and developing options to pay for these costs over the long-term; and
- d) considering the *impacts of a changing climate*.

The proposed development will assist in the achievement of the intensification targets identified in the Growth Plan. A concurrently submitted Functional Servicing Report (FSR) is in support of the



applications and considered existing infrastructure capacity and found that the proposed development can be efficiently serviced for water and wastewater systems connected to the municipal framework. Details of this report and the associated plans can be found within the provided FSR.

Subsection 3.2.2 outlines policy directing how transportation systems shall be planned and coordinated to facilitate the movement of goods and people.

Pol. 3.2.2.2 The *transportation system* within the *GGH* will be planned and managed to:

- a) provide connectivity among transportation modes for moving people and for moving goods;
- b) offer a balance of transportation choices that reduces reliance upon the automobile and promotes transit and *active transportation*;
- c) be sustainable and reduce greenhouse gas emissions by encouraging the most financially and environmentally appropriate mode for trip-making and supporting the use of zero-and low-emission vehicles;
- d) offer *multimodal* access to jobs, housing, schools, cultural, and recreational opportunities, and goods and services;
- e) accommodate agricultural vehicles and equipment, as appropriate; and
- f) provide for the safety of system users.

Pol.3.2.2.4 Municipalities will develop and implement *transportation demand management* policies in official plans or other planning documents or programs to:

- a) reduce trip distance and time;
- b) increase the *modal share* of alternatives to the automobile, which may include setting *modal share targets*;
- c) prioritize *active transportation*, transit, and goods movement over single-occupant automobiles;
- d) expand *infrastructure* to support *active transportation*; and
- e) consider the needs of *major trip generators*.

Pol. 3.2.3.4 Municipalities will ensure that *active transportation* networks are comprehensive and integrated into transportation planning to provide:

- a) safe, comfortable travel for pedestrians, bicyclists, and other users of *active transportation*; and
- b) continuous linkages between *strategic growth areas*, adjacent neighbourhoods, *major trip generators*, and transit stations, including dedicated lane space for bicyclists on the major street network, or other safe and convenient alternatives.

The proposed redevelopment is broadly supportive of the above policies, specifically as it relates to increasing the modal share within the Built-Up Area. As previously discussed, the proposed



development sits adjacent to a multi-modal active transportation pathway network that connects multiple jurisdictions and municipalities. Further, the intensification will help to provide support to mass transit systems, should the region or municipality introduce them to the area.

Pol. 3.2.6.1 Municipalities should generate sufficient revenue to recover the full cost of providing and maintaining *municipal water and wastewater systems*.

Pol. 3.2.6.2 *Municipal water and wastewater systems and private communal water and wastewater systems* will be planned, designed, constructed, or expanded in accordance with the following:

- a) opportunities for optimization and improved efficiency within existing systems will be prioritized and supported by strategies for energy and water conservation and water demand management;
- b) the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan;
- c) a comprehensive water or wastewater master plan or equivalent, informed by *watershed planning* or equivalent has been prepared to:
 - i. demonstrate that the effluent discharges and water takings associated with the system will not negatively impact the quality and quantity of water;
 - ii. identify the preferred option for servicing growth and development, subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 of the PPS,2020, which must not exceed the assimilative capacity of the effluent receivers and sustainable water supply for servicing, ecological, and other needs; and
 - iii. identify the full life cycle costs of the system and develop options to pay for these costs over the long-term.
- d) in the case of large subsurface sewage disposal systems, the proponent has demonstrated attenuation capacity; and
- e) plans have been considered in the context of applicable inter-provincial, national, bi-national, or state-provincial Great Lakes Basin agreements or provincial legislation or strategies.

With respect to the above policies, the proposal will be serviced by the existing water and wastewater system. Accordingly, an FSR has been submitted in support of the proposal to show that the proposed development can be serviced with the existing capacity limits of the municipal system. Further details respecting the FSR are contained in Section 5 of this report.

Pol. 3.2.7.2 Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:

- a) is informed by a *subwatershed plan* or equivalent;
- b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate *low impact development and green infrastructure*;



- c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and
- d) aligns with the *stormwater master plan* or equivalent for the *settlement area*, where applicable.

In support of the proposal, a Stormwater Management Plan was produced by Pearson Engineering Ltd. “The proposed development will increase the imperviousness of the site and as such the post-development peak flows will increase. The calculated pre-development runoff coefficient is 0.20 and the post-development runoff coefficient is 0.55. As the site outlets directly to Lake Ontario and safe conveyance of the uncontrolled storm flows from the site will not have any negative downstream impacts, no on-site quantity control is provided.” The findings of the Stormwater Management Plan are discussed in detail in Section 5 of this report. Accordingly, the SWM Report found that the development is supportable from a SWM Perspective.

The proposal was reviewed with respect to the Policies listed in Section 4 of the Growth Plan, which generally speak to agriculture, natural heritage, cultural heritage, mineral and aggregate resources.

Subsection 4.2.1 outlines policies for planning authorities to protect water resource systems. This is focused on the creation of watershed planning. The concurrently submitted Stormwater Management Plan is informed by the Niagara Region, Water & Wastewater Master Servicing Plan, 2016. Subsection 4.2.2 outlines policy directed at protecting the natural heritage system.

Pol. 4.2.2.3 Within the *Natural Heritage System for the Growth Plan*:

- a) *new development or site alteration* will demonstrate that:
 - i. there are no *negative impacts* on *key natural heritage features* or *key hydrologic features* or their functions;
 - ii. connectivity along the system and between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
 - iii. the removal of other natural features not identified as *key natural heritage features* and *key hydrologic features* is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;
 - iv. except for uses described in and governed by the policies in subsection 4.2.8, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the *total developable area*, and the impervious surface will not exceed 10 per cent of the *total developable area*;

An Environmental Impact Study has been concurrently submitted with this report. The study determined that, with the use of mitigation methods outlined in the study, the proposed development would not have any net negative impacts to the Lake Ontario Shoreline or at-risk species. The proposed 25 to 30-metre development buffer will help protect and enhance shoreline on the northern periphery of the subject lands by preventing development. Further, an armour stone revetment wall along with bank swallow nesting habitat is proposed. This infrastructure has been proposed in



coordination with the MECP. A more fulsome summary of this report can be found within Section 5 of this report.

- Pol. 4.2.5.1 Municipalities, conservation authorities, non-governmental organizations, and other interested parties are encouraged to develop a system of publicly-accessible parkland, open space, and trails, including in shoreline areas, within the *GGH* that:
- a) clearly demarcates where public access is and is not permitted;
 - b) is based on a co-ordinated approach to trail planning and development; and
 - c) is based on good land stewardship practices for public and private lands.

Direct access to the shoreline is provided in the proposed development through a sloped walkway and concrete steps located adjacent to the shared amenity clubhouse. There is further space provided for emergency vehicular access on the western lot line adjacent to the clubhouse.

The proposed development supports the broad goals and visions of the Growth Plan as a form of residential intensification. The increased density will facilitate the overall goals and objectives of the Growth Plan relating to climate change, residential intensification, and access to alternative modes of transit other than motor vehicles.

Based on the foregoing analysis, the proposed development and proposed Official Plan Amendments conform to the policies of the Growth Plan for the Greater Golden Horseshoe (2020).

4.4 The Greenbelt Plan (2017)

The subject lands have been designated as “Towns/ Villages” within the “Protected Countryside,” as per Schedule 1: Greenbelt Area, of the Greenbelt Plan (2017).

Section 1.2.2 outlines the goals of the Greenbelt Plan pertaining to lands within the ‘Protected Countryside’. Section 1.2.2.4 outlines the goals for *Settlement Areas* and are described below:

4. Settlement Areas

- a) Support for a strong rural economy by allowing for the social, economic and service functions through the residential, institutional and commercial/industrial uses needed by the current and future population within the Greenbelt, particularly within *settlement areas*;
- b) Sustaining the character of the countryside and rural communities;
- c) Support for the achievement of *complete communities* that promote and enhance human health and social well-being, are economically and environmentally sustainable, moving towards low-carbon communities, with the long-term goal of net-zero communities; and
- d) Serving as centres for the development of community hubs where compatible services are co-located to address local needs in convenient locations that are accessible by *active transportation* and, where available, transit.

Section 3.4.3 of the Greenbelt Plan describes policies directed towards lands designated as "Towns/Villages" in the Protected Countryside.



Pol.3.4.3.1 Towns/Villages are subject to the policies of the Growth Plan and continue to be governed by official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the policies of sections 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2.

Pol.3.4.3.2 Extensions or expansions of services to *settlement areas* within the Protected Countryside shall be subject to the *infrastructure* policies of Section 4.2 of this Plan, including the requirements regarding environmental assessments and *agricultural impact assessments*.

Pol.3.4.3.3 As part of a municipal comprehensive review under the Growth Plan, an upper- or single-tier planning authority may allow expansions of *settlement area* boundaries in accordance with the policies 2.2.8.2 and 2.2.8.3 of the Growth Plan.

The proposed development will not require an expansion or extension of services, nor an extension of the existing settlement area. A review of the policies outlined in Policy 3.4.3.1 will continue below.

Section 3.2.3 of the Plan has regard for the Water Resource System. This section outlines the importance of protecting, improving, and restoring the quality and quantity of water. Planning



authorities shall utilize watershed studies for hydrological planning. These studies will further allow planning authorities to identify water resource systems including key hydrologic features, key hydrologic areas, and their functions. Decisions on allocation of growth and planning for water, wastewater and stormwater infrastructure shall be informed by applicable watershed planning.

The concurrently submitted Functional Servicing Report, prepared by Pearson Engineering Ltd. utilized the Niagara Region, Water & Wastewater Master Servicing Plan, 2016 to design the proposed development's servicing, stormwater management, grading, and erosion and sediment control plans. This engineering package has shown the proposed development to be safe and feasible from a stormwater management perspective.

Section 3.2.6 pertains to 'External Connections'. These connections are outside of the Greenbelt, and as such, the policies of 3.2.6 are not applicable the proposed development.

Section 3.3 describes policies relating to parkland, open space and trails. This section outlines the goal of interconnected parks, trails, and public open space. Detailed policy is provided in Section 3.3.3, which states "For all lands falling within the Protected Countryside, municipalities should:"

Pol.3.3.3.1 Provide for a full range of publicly accessible, built and natural settings for recreation, including facilities, parklands, open space areas, trails and water-based activities.

Pol.3.3.3.3 Include the following considerations in municipal parks plans and open space strategies:

- a) Providing for open space areas for current and future populations and promoting stewardship of open space areas;
- b) Providing facilities, parklands, open space areas and trails that particularly support an active, healthy community lifestyle;
- c) Identifying key areas or sites for the future development of major facilities that avoid sensitive landscapes;
- d) Identifying and targeting under-serviced areas for improved levels of protection;
- e) Protecting the recreation and tourism values of waterfront areas as a high priority; and
- f) Supporting urban agriculture and other local food initiatives.

Pol.3.3.3.4 Include the following considerations in municipal trail strategies:

- a) Preserving the continuous integrity of corridors (e.g. abandoned railway rights-of-way and utility corridors);
- b) Planning trails on a cross-boundary basis to enhance interconnectivity where practical;
- c) Incorporating the existing system of parklands and trails where practical;
- d) Restricting trail uses that are inappropriate to the reasonable capacity of the site (notwithstanding the ability to continue existing trails/uses);
- e) Providing for multi-use trail systems which establish a safe system for both motorized and non-motorized uses;



- f) Protecting farmland and supporting and ensuring compatibility with agriculture; and
- g) Ensuring the protection of the key natural heritage features and key hydrologic features and functions of the landscape.

The subject lands are adjacent to the Lake Ontario Waterfront Trail which crosses multiple jurisdictions and connects to parks, the natural heritage system including the Lake Ontario Shorelines and open space settings. This helps promote active transportation and a more active lifestyle for residents in the vicinity.

Section 3.4.2 describes the General Settlement Area Policies for lands with the Protected Countryside. Of these policies, the following are applicable to the proposed development:

Pol.3.4.2.2 Municipalities shall incorporate policies in their official plans to facilitate the development of community hubs that:

- a) Enable the co-location of public services to promote cost effectiveness and service integration;
- b) Facilitate access through locations served by a range of transportation options, including active transportation and, where available, transit;
- c) Give priority to existing public service facilities within settlement areas as the preferred location, where appropriate; and
- d) Enable the adaptive reuse of existing facilities and spaces in settlement areas, where appropriate.

Pol.3.4.2.5 Municipalities shall integrate climate change considerations into planning and managing growth in settlement areas in accordance with the policies in subsection 4.2.10 of the Growth Plan.

As described in Policy 3.4.3.1, development in Towns/ Villages must be consistent with the Growth Plan but must also be consistent with Sections 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2 of the Greenbelt Plan. As per the policy review detailed above the proposed development is consistent with both the Growth Plan and the applicable policies of the Greenbelt Plan.

The proposed development will support a strong economy by providing additional units in lands currently municipally serviced. It will provide additional dwellings for the future population within the settlement area of the Town of Grimsby. The character of the neighbourhood will be maintained while contributing to a complete community. The existing services will be economically and environmentally sustainable as no extensions of services will be required and no expansion of the settlement area is proposed. The development is located close to public services and is adjacent to an active transportation network. As such, the proposed development is consistent with the goals set for settlement areas in the 'Protected Countryside' within the Greenbelt Plan (2017).

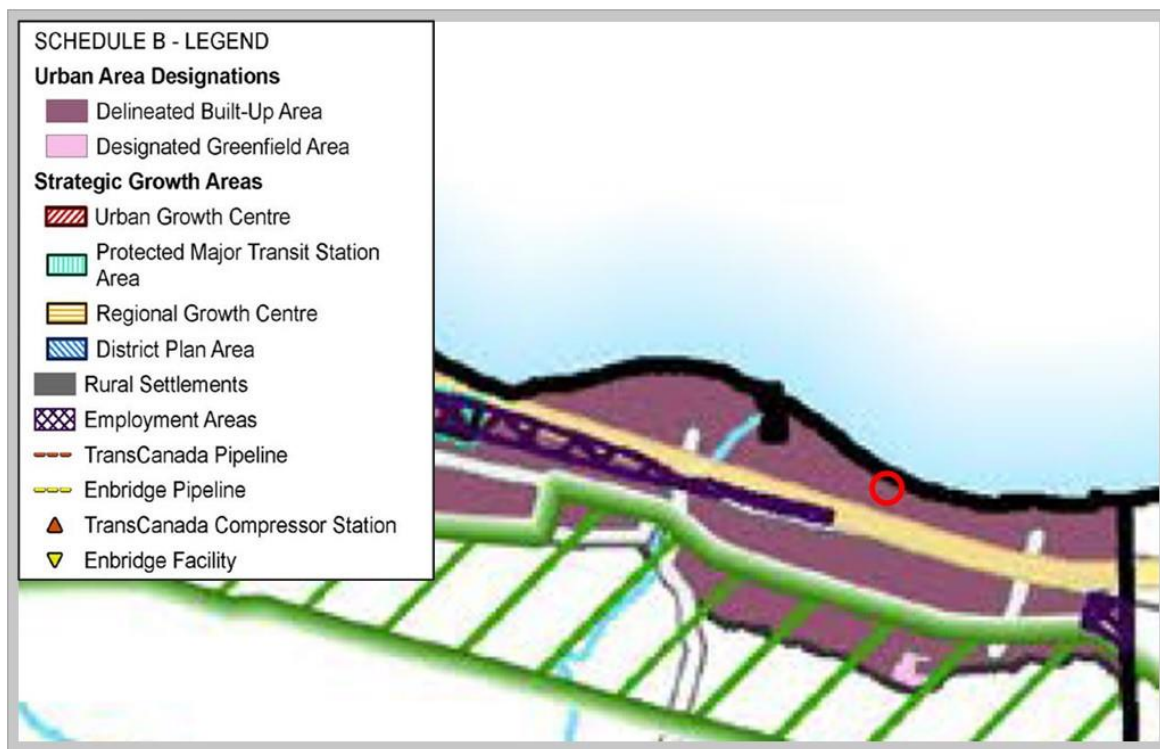
Niagara Regional Official Plan (2022)

Niagara Regional Council adopted the Niagara Official Plan (NROP) in June 2022, and the Minister of Municipal Affairs and Housing approved the plan with modifications in November 2022. The NROP is the Upper-Tier Official Plan of the entire Niagara Region. The new NROP is intended to manage growth, create housing policy, and regulate matters such as natural heritage and regional roads to 2051 and beyond. The new NROP represents the current direction of Council, and the Plan was prepared in concert with the updated Growth Plan and Provincial Policy Statement. The Regional Official Plan is separated into multiple Chapters, each addressing specific Regional Goals.

The subject lands are located within the “Delineated Built-Up Area” as shown on Schedule B– Regional Structure within the Niagara Regional Official Plan. Accordingly, the following policies are applicable:

Chapter 2: Growing Region

Chapter 2 generally outlines the need to manage the forecasted growth of the Region to 2051 and the coordination necessary between the many lower tier municipalities, including Grimsby.



Chapter 2.1 – Regional Growth Forecasts



Pol. 2.1.1.4 Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and Town of Local *infrastructure, public service facilities*, and related programs and services to 2051.

Municipality	Population Forecast (2051)
Grimsby	37,000
Niagara Region	694,000

Table 2-1

As noted above, the Town of Grimsby is intended to achieve a population of 37,000 persons by 2051. The proposal will assist in accommodating for this anticipated growth by providing housing through intensification of built-up lands.

Chapter 2.2 – Regional Structure

The objectives of this section, as applicable to the subject lands, are as follows:

- a) manage growth within *urban areas*;
- b) accommodate growth through strategic *intensification* and higher densities;
- e) promote *transit-supportive* development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.

With respect to the above objectives, the proposal represents an opportunity to provide for housing on a site which currently only contains a single-detached dwelling. The proposal will efficiently use available infrastructure to support the use and is located within the built-up area an existing settlement area. The site is well located along a Regional Road and will provide an opportunity to increase the usage of active modes of transportation, such as cycling, and can assist in supporting mass transit, should services be implemented.

Pol. 2.2.1.1 *Development* in *urban areas* will integrate land use planning and *infrastructure* planning to responsibly manage forecasted growth and to support:

- a. the *intensification* targets in Table 2-2 and density targets outlined in this Plan;
- b. a *compact built form*, a vibrant *public realm*, and a mix of land uses, including residential uses, employment uses, recreational uses, and *public service facilities*, to support the creation of *complete communities*;
- c. a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and *affordable* housing needs;
- d. social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding development typically consists of mixed-use buildings, convenient access to:



- i. a range of transportation options, including public transit and *active transportation*
- iii. co-located *public service facilities*; and
- iv. the *public realm*, including open spaces, parks, trails, and other recreational facilities;

In the context of the above growth objectives of the Region, the proposal is situated within an existing Built-Up Area and can utilize existing services to support the proposed use. The subject lands are situated along a collector road. As such, the subject lands are appropriately located to accommodate the residential intensification proposed. The proposed development provides a greater range of housing types, unit size, and density within the existing neighbourhood. Access to a range of active transportation opportunities are granted through the adjacency to the waterfront trail network. Multiple public service facilities are in proximity to the site along with parks, trail systems, and the natural Lake Ontario shoreline.

- e. *built forms*, land use patterns, and street configurations that minimize land consumption, reduce costs of *municipal water and wastewater systems/services*, and optimize investments in *infrastructure* to support the financial well-being of the Region and Local Area Municipalities;

The proposal represents an efficient use of land by taking an existing underutilized parcel and intensifying it for the purposes of providing housing units at a much more efficient density. The subject lands will utilize available municipal water and wastewater services.

- f) opportunities for *transit-supportive* development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;
- g) opportunities for *intensification*, including infill *development*, and the *redevelopment* of *brownfields* and *greyfield sites*;
- h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;
- i) the development of a mix of residential *built forms* in appropriate locations, such as *local growth centres*, to ensure compatibility with established residential areas;

The proposed development is well situated adjacent to a collector road and multi-modal transportation network. The proposed development is an efficient use of land that utilizes a compact built form to provide additional housing in an established neighbourhood while maintaining compatibility with built forms in terms of building size and height present in the surrounding area. The intensification is transit-supportive pending implementation of services in the neighbourhood.

- k. Orderly *development* in accordance with the availability and provision of *infrastructure* and *public service facilities*; and



- I. mitigation and adaptation to the impacts of *climate change* by:
 - i. protecting *natural heritage features and areas, water resource systems, and other components of the Region’s natural environment system* pursuant to Section 3.1;
 - ii. where possible, integrating *green infrastructure and low impact development* into the design and construction of *public service facilities and private development*; and
 - iii. promoting *built forms, land use patterns, and street configurations* that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity

Residential Intensification is a tool that can be used to combat climate change, by reducing the need for land beyond the existing urban boundary. At the Site Plan and Building Permit stage, measures can be implemented to consider LID standards within the development to improve climate adaption and to promote biodiversity through redevelopment of the site. The Lake Ontario shoreline and swallow nesting area will be naturally preserved through the proposed development buffer.

Pol. 2.2.2.5 A Regional minimum of 60 per cent of all residential units occurring annually will be within *built-up areas*.

Pol. 2.2.2.6 Local Area Municipalities shall establish *intensification* targets in their official plans that meet or exceed the targets identified in Table 2-2

<i>Municipality</i>	<i>Units</i>	<i>Residential Intensification Target</i>
<i>Town of Grimsby</i>	<i>4,500</i>	<i>98%</i>
<i>Region of Niagara</i>	<i>62,005</i>	<i>60%</i>

As per the targets established above, the proposal is representative of a desirable form of intensification that will contribute to the goals outlined by the Growth Plan and the new Niagara Regional Official Plan.

Infrastructure and Public Service Facilities

- Pol.2.2.4.1 Land use planning will be supported by *infrastructure and public service facilities* that:
- a. consider the full life-cycle costs of these assets and options to pay for these costs over the long-term;
 - b. meet the requirements of forecasted growth within *settlement areas*; and
 - c. is planned, built, and maintained in accordance with the applicable policies in Chapter 5.



The proposal appropriately makes use of existing and planned infrastructure within the existing urban boundary while contributing to the forecasted growth that is intended to take place within existing settlement areas. The increase in density on this site is justified and will make efficient use of the services already available to the subject property.

Chapter 2.3 - Housing

This section contains policies which are specific to the attainment of an adequate supply of housing in the Region.

The objectives of this section are as follows:

- a) provide a mix of housing options to address current and future needs;
- b) provide more *affordable* and *attainable housing* options within our communities; and
- c) plan to achieve *affordable* housing targets through land use and financial incentive tools.

The proposal is to create 31 new dwellings, adding to the existing housing stock within an existing built-up area. This will help to address the future housing needs of residents.

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

As previously discussed, the development will provide a greater range of housing, lot and unit size, at a higher density that will help to meet the housing needs for the Town of Grimsby.

Pol.2.3.1.3 The forecast in Table 2-1 will be used to maintain, at all times:

- a) the ability to accommodate residential growth for a minimum of 15 years through residential *intensification*, and lands designated and available for residential development; and
- b) where new *development* is to occur, land with servicing capacity to provide at least a three-year supply of residential units through lands suitably zones to facilitate residential *intensification*, and lands in draft approved or registered plans.

Pol.2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

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



The proposed development will facilitate residential intensification on lands designated to permit residential land use of this density with connections to existing infrastructure. The proposed Zoning By-law Amendment will facilitate the compact built form and density proposed. At the site plan and building permit stage measures such as LID and green infrastructure can be considered as appropriate. As such, the proposal conforms to the Regional Official Plan.

Chapter 3 – Sustainable Region

Chapter 3 of the Official Plan outlines the objectives and policies for the Regional Natural Heritage System and Water Resource System.

The objectives of this chapter, as applicable to the subject lands, are as follows:

- a. identify and protect a *natural heritage system and water resource system* which will form the *natural environment system*;
- b. maintain, restore, and enhance the biodiversity and *connectivity* of natural features and their associated *ecological and hydrological features*;
- c. recognize the important role the *natural environment system* plays in mitigating the impacts of *climate change* by protecting and enhancing natural features;
- e. identify and maintain hydrologic functions and connections among *groundwater features*, natural features, and *surface water features* including *shoreline areas*
- h. protect provincially and regionally significant earth science *areas of natural and scientific interest*;
- k. identify *linkages* to protect ecological *connectivity* in the region;
- m. protect *fish habitat* and the *habitat of endangered species and threatened species* in accordance with Provincial and Federal legislation;
- n. maintain and restore natural vegetation along *shoreline areas*;
- p. protect and restore the ecological health of the Great Lakes, consistent with the provisions of the Great Lakes Strategy, the targets and goals of the Great Lakes Protection Act, 2014, and any applicable Great Lakes agreements as part of *watershed planning* and coastal or waterfront planning initiatives;
- q. minimize risks to human health and safety and property associated with natural hazards;
- r. minimize the impacts of invasive species through the proper management and control, and the promotion of native species plantings in the region
- s. consider cumulative impacts through *watershed planning* and the development application process;
- t. outline the process for *environmental impact studies* and *hydrological evaluations* where they are required to support applications for *development or site alteration*.

Greater detail and discussion regarding the Natural Heritage Policies are discussed within the concurrently submitted EIS. The proposed development is located along the Lake Ontario shoreline. The development buffer of 7.5m is proposed and will help to maintain the natural, native, vegetation along with the bank swallow nesting area located adjacent to the shoreline. This buffer will also



facilitate natural shoreline connectivity. The proposed development should have no adverse impacts to fish habitats. The concurrently submitted EIS provides numerous mitigative measures that should result in no net negative impacts to the natural environment or at-risk species. The development will also maintain a variable 25m-30m buffer between the development and the shoreline protection works. The Landscape Plan also submitted shows native species plantings to promote natural, native, vegetation and reduce invasive species. The Stormwater Management Report used the Niagara Region, Water & Wastewater Master Servicing Plan, 2016, in its analysis of the proposed development's impact and is supportive of the proposed development.

Chapter 5 – Connected Region

Chapter 5 speaks to the policies intended to reflect a future multi-modal transportation system which includes policies relating to roads, cycling and public transit. Policies relating to infrastructure are also included within this chapter and will be examined below.

While the neighbourhood is not yet connected to a regularly operating public transit route, the intensification of the lands will be transit-supportive, should the Region or Town implement it.

Section 5.1.3 details the policies associated with the active transportation system.

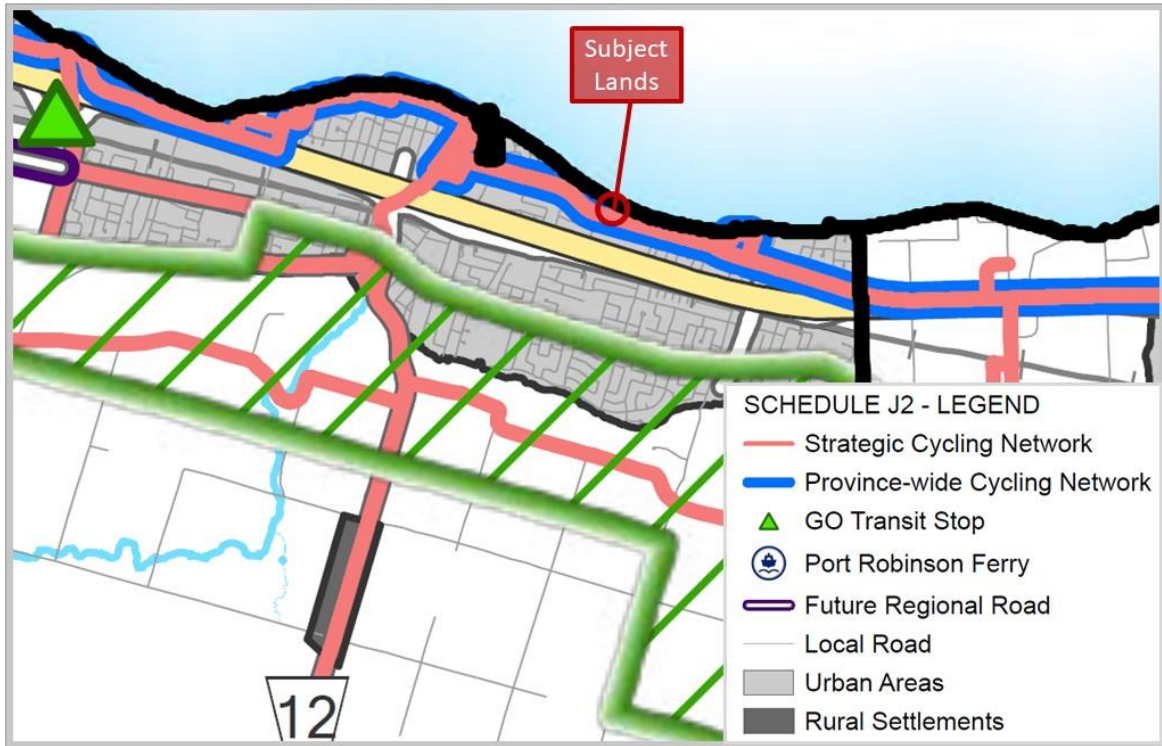
Pol. 5.1.3.1 Comprehensive *active transportation* networks will be integrated into the *transportation system* to:

- a. enable safe and convenient inter-municipal and intra-municipal travel for *active transportation* users; and
- b. provide continuous linkages from neighbourhoods to *strategic growth areas, major trip generators, employment land, tourism destinations, public service facilities, post-secondary institutions and transit stations, including sidewalks and dedicated lane space for cyclists on the major street network, or other safe and convenient alternatives.*

Pol. 5.1.3.2 Implementation of the Strategic Cycling Network as identified in the Region's Transportation Master Plan will be prioritized to advance the implementation of the Niagara Bikeways Master Plan as shown in Schedule J2.

Pol.5.1.3.4 Local Area Municipalities are encouraged to support the use of *bicycle infrastructure* to ensure a connected and extended bicycle network within the region.

The proposed development is located adjacent to the Waterfront Trail network. This trail network is part of the Province-Wide and Strategic Cycling Network as per Schedule J2 of the Niagara Official Plan. The intensification of land use along this network will contribute to its continued use and promote an active, healthy lifestyle for residents located along this network.



AJC | Not to Scale | File #: 218047
 165 Lake Street, Grimsby
 ○ SUBJECT SITE (approximate)

Excerpt from Schedule J2 – Strategic Cycling Network
 Niagara Official Plan (2022)

Infrastructure Planning

The following policies respecting infrastructure are applicable:

- Pol. 5.2.1.3 *Infrastructure* planning shall be aligned with land use planning, *infrastructure* investment and *watershed planning*.
- Pol. 5.2.1.11 The Region will promote the use of *green infrastructure* and *low impact development* by considering *green infrastructure* in public works projects and encouraging its use through review of *development* applications.
- Pol. 5.2.2.1 Adequate water supply and sewage collection shall be provided to meet the existing and future *development* needs in alignment with the growth management policies of this Plan, the Water and Wastewater Master Servicing Plan and the Region’s capital budget process.
- Pol. 5.2.2.2 *Municipal water and wastewater systems/services* are the required form of servicing for *development* in urban areas.



- Pol. 5.2.2.4 Prior to approval of *development*, the municipality shall ensure that required *water* and *wastewater services* and servicing capacity is available to support the *development*.
- Pol.5.2.2.6 The Region will endeavour to:
- b. ensure new *development* will not put the Region out of compliance with regulations and the Region will consider opportunities to maintain or reduce wet weather overflow occurrence; and
 - c. provide reliability, redundancy and security in its water and wastewater systems with attention to high risk and critical areas.
- Pol.5.2.2.8 All new *development* which is proposed to be connected to existing *combined sewer* facilities shall be served with separated systems within the property limits of the *development*. The connection to the *combined sewer* will only be considered once a new separated storm outlet has been determined to be unachievable and the available capacity within the existing *combined sewer* services has been confirmed.
- Pol.5.2.2.10 Water and wastewater facilities shall be designed with consideration to reducing energy use and greenhouse gas emissions.
- Pol.5.2.2.12 Within urban *settlement areas* full municipal services are the preferred form of servicing. Partial services shall only be permitted in the following circumstances:
- a. where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development; or
 - b. to allow for infilling and minor rounding out of existing development on partial services provided site conditions are suitable for the long-term provision of such services with no negative impacts.

The proposed redevelopment and intensification of the subject lands will utilize the existing servicing framework it is currently connected to. The concurrently submitted Servicing Plans shows the proposed development to be municipally serviced and expects no negative impact to servicing capacities. The Servicing Plan also shows that water and wastewater systems will be separated within the development.

The Landscape Plan, also submitted concurrently, demonstrates the ability of preserving the Lake Ontario Shoreline, providing sufficient habitat for species at risk, and the capacity to facilitate street tree plantings in each residential unit front yard. Details of Low Impact Development (LID) techniques to address stormwater management will be evaluated at the detailed Site Plan Control stage of development.

- Pol.5.2.2.14 Where development is proposed on lands adjacent to an existing or proposed sewage treatment facility, the location of development shall be determined by appropriate



noise and odour studies that identify suitable separation distances and mitigation measures.

A Noise Study, conducted by dBA Acoustical Consultants Inc., is concurrently submitted with this application. The Noise Study determined the noise impact from not only the Baker Road Wastewater Treatment Plant, but from the QEW and Lake Street vehicular traffic as well. Noise Control Measures are required; this will be discussed in further detail in Section 5.

An Odour Assessment, conducted by Independent Environmental Consultants and submitted with this application, found the proposed development to be compatible with the surroundings land uses from an odour perspective.

- Pol.5.2.5.1 All new *development* and *redevelopment* in *settlement areas* must be provided with separate storm drainage systems or separate storm drainage connections.
- Pol.5.2.5.3 Local Area Municipalities shall implement sustainable stormwater management plans and strategies as part of *development* and *redevelopment*.
- Pol.5.2.5.4 Proposals for large-scale *development* proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:
- a. conforms with *watershed planning* policies in Section 3.2;
 - b. is informed by a *subwatershed plan* or equivalent as completed by the Local Area Municipality;
 - c. ensures all proposals for *development* or *redevelopment* are designed based on an integrated treatment approach in order to address requirements for water quality, erosion control, flood control, thermal mitigation and *water budget* to minimize stormwater flows and reliance on stormwater ponds, which includes *low impact development* and *green infrastructure*, where appropriate;
 - d. establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces;
 - e. ensures *stormwater management facilities* are designed to support key features and *ecological functions* in the Region's *natural environment system*, where possible; and
 - f. aligns with the *stormwater master plan* or equivalent for the *settlement area*, where applicable.
- Pol.5.2.5.5 The Region and Local Area Municipalities shall consider through site plan control the development of *green infrastructure*, such as naturalized retention ponds and rain gardens to increase stormwater offset.



The concurrently submitted Stormwater Management Report utilized the Niagara Region, Water & Wastewater Master Servicing Plan, 2016, when developing the stormwater management plans. The stormwater management report supports the proposed development, and details pertaining to LID techniques to mitigate stormwater can be provided at the Site Plan Control stage of development.

Section 5.3 outlines policy regarding public spaces, recreation, parks, trails, and open space. As the subject lands are adjacent to the Waterfront Trail as well as the Lake Ontario Shoreline, the following policies are applicable to the proposed development:

- Pol.5.3.1.5 Local Area Municipalities shall include policies in their official plans that address the following:
- a. the acquisition of parkland in accordance with the provisions of the Planning Act, and/or direction to pass by-laws that allow for the acquisition of parkland; and
 - b. integration of *development* with, and connectivity to, existing and proposed parks and trails.

The proposed development is adjacent to the Waterfront Trail which connects to multiple parks, open spaces, and public service facilities.

- Pol.5.3.1.6 Where applicable, Local Area Municipalities should include policies in their official plans that:
- a. establish and undertake improvements to public access to shorelines and dedication of shorelines to the Local Area Municipality or other public agency where there is a public benefit to the overall trail system. *Development* that will constrain ongoing or planned shoreline acquisition should not be permitted; and

A five-metre-wide access to the shoreline is provided in the northwestern limit of development. The shoreline is protected and buffered with natural vegetation. The shoreline will also be improved by using armour stone revetment walls to prevent further erosion, while also provided improved space for the bank swallow nesting area. Presently, there are no planned shoreline acquisitions along the subject land's shoreline.

Chapter 6 – Vibrant Region

Chapter 6 contains policies respecting local district plans, tourism, archeology, cultural heritage and urban design. The following policies are applicable:

6.2 Urban Design

The objectives of this section are as follows:

- a) commit to excellence in urban design;
- b) enhance the *public realm* and promote *active transportation*; and



c) identify and establish tools for urban design implementation.

- Pol.6.2.1.1 Excellence and innovation shall be promoted in architecture, landscape architecture, site planning, streetscape design, and overall community design to ensure built environments are attractive, walkable, accessible, diverse, and functional.
- Pol.6.2.1.5 The *public realm* shall be enhanced through urban design and improvements, and investment that contributes to safe, attractive *complete streets* and desirable communities.
- Pol.6.2.1.6 *Active transportation* shall be promoted through the cohesive and collaborative design of streets, building *interfaces* and public spaces.
- Pol.6.2.1.7 *Sustainable design* principles shall be applied to the *public realm, infrastructure, public service facilities, development* and streets.

The proposed development will construct 31 new dwellings along a private right-of-way. The right-of-way will contain pedestrian sidewalks with streetlamps and tree plantings in the front yard on each unit. All units will face the right-of-way and include front porches and set back garage entrances. The flankage yards of Units 10 and 15 are proposed to have secondary entrances facing the right-of-way, helping create an attractive building environment along Lake Street. Multiple pathways permit access to the naturalized Lake Ontario shoreline. The club house will have adequate visitor parking, including temporary bike parking. As the subject lands are located along the Waterfront Trail bike route, active transportation is easily accessible for residents and visitors.

- Pol.6.2.1.8 The Region shall promote:
- a) the creation of liveable and vibrant *urban areas* and streets;
 - b) community design that:
 - i. offers a range of transportation options, including public transit and *active transportation*;
 - ii. respects the *complete streets* approach by creating safe and attractive interconnected streets; and,
 - iii. encourages a mix of land uses, a vibrant *public realm* and *compact built form*;
 - c) well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;
 - d) the integration of views of built and cultural heritage features, landmarks, and significant natural heritage features to enhance a *sense of place*;

The proposed development will create a condominium community with safe pedestrian sidewalks with units looking onto the right-of-way. The architectural designs utilize a compact built form and are complementary of one another, creating a sense of place and community. The visitor bicycle



parking and adjacency to the Waterfront Trail promote active transportation to and from the subject lands. The club house will be similarly designed to fit within the neighbourhood character while providing unique amenity space for the condominium. Several pathways to the natural shoreline are proposed, along with rear deck spaces that look out to the lake.

Subsection 6.3.1 outlines policy directed at planning for healthy and safe communities. This subsection reiterates the provincial policy mandates for planning for complete communities.

Pol.6.3.1.1 The Region shall support healthy communities by:

- a. creating *built form* that provides healthy living;
- b. planning for all ages, incomes, abilities and populations;
- c. supporting walkable and bikeable neighbourhoods through *active transportation*;
- d. encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;
- e. encouraging *urban agriculture* and community gardens;
- f. strategically co-locating *public service facilities* for convenient access; and
- g. encouraging the use of health impact assessment tools through planning processes.

The proposed development will construct 31 new dwelling units in a walkable condominium with both private outdoor amenity space and indoor club house amenity space. The site is adjacent to both the Lake Ontario Shoreline and the Waterfront Trail cycling network. Naturalized open space will be located along the shoreline with improved bank swallow nesting area. The site contains pedestrian sidewalks along all private rights-of-way. Several public service facilities are in proximity to the site.

Pol.6.3.1.5 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.

A Phase 1 ESA was prepared to support the development in April 2022. This assessment revealed potential use of pesticides due to historical agricultural activities on site, above-ground oil tank storage, fill material of an unknown quality, and an outdoor fire pit. A Phase Two ESA will be conducted with the report provided at the Site Plan Control Stage of Development.

Subsection 6.4 pertains to policy to ensure archaeological resources are conserved in accordance with provincial requirements.

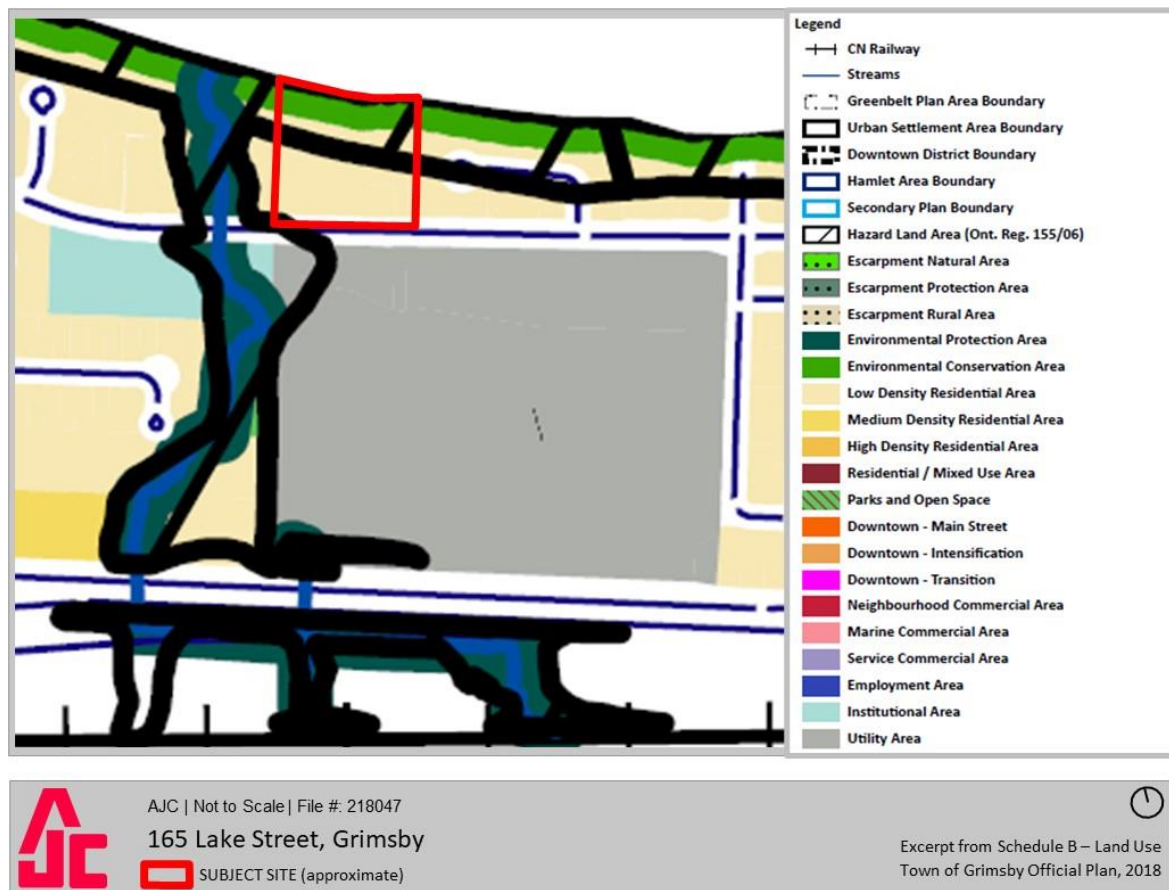
Pol.6.4.2.1 *Development and site alteration* shall not be permitted on lands containing *archaeological resources or areas of archaeological potential* unless *significant archaeological resources* have been *conserved* or the land has been investigated and cleared or mitigated following clearance from the Province.

The concurrently submitted Stage 1-2 Archaeological Assessment found one Indigenous lithic artifact and its cultural heritage value has been completely documented. The Assessment determined that no further archaeological assessment is required. Greater detail of this study can be found in Section 5.

Based on the policy review above, the proposal maintains the purpose and intent and conforms to the Niagara Regional Official Plan.

4.5 Town of Grimsby Official Plan, 2018

The Town of Grimsby Official Plan was approved by the Ontario Municipal Board in May 2012. The Town of Grimsby Official Plan is a document which is intended to provide general guidance for growth and development in the Town until the year 2031. The Plan implements the policies of the Province of Ontario and of the Niagara Region Official Plan, while providing greater detail in terms of land use designations and policies which reflect specific characteristics of the Town. The Town of Grimsby Official Plan is separated into multiple chapters, which speak to Municipal Structure, Land Use, Environmental Sustainability, Infrastructure, Noise and Vibration Control, Streetscape Design, and Cultural Heritage. The applicable policies as they relate to this development are discussed below.





The subject lands contain multiple designations. As per Schedule A of the Grimsby Official Plan, the site is predominantly designated as “Urban Settlement Area” and further designated as “Low Density Residential Area” as per Schedule B. The section of lands adjacent to the Lake Ontario shoreline are designated “Natural Heritage System” as Per Schedule A.

SECTION 2.0 MUNICIPAL STRUCTURE ELEMENTS

Section 2.3.2 provides policy direction for lands designated as “Urban Settlement Area” on Schedule A. The goal of the urban settlement area is to accommodate the majority of the future growth within the Grimsby Urban Settlement Area. The subject lands are located within the Urban Settlement Area, and as such, the following policies are applicable.

Policy 2.3.2.1 Key structural elements within the Urban Settlement Area include:

- a) The urban settlement area boundary, which is fixed and shall only be changed through a *municipal comprehensive review* that is undertaken every 5 years as part of the Official Plan Review. The settlement area boundary cannot be expanded into areas designated as Specialty Crop Area;
- b) The *built boundary*, which represents the extent of lands within the urban boundary, which were considered built upon as of July 2006. The Minister of Energy and Infrastructure establishes the *built boundary*. Any *development* within the *built boundary* is considered *intensification* and contributes to the *intensification* target of this Plan;
- f) The *stable residential neighbourhoods* represent the existing residential neighbourhoods within the *built boundary*. These areas are intended to remain stable with change that is in keeping with the established character of the neighbourhoods.

The subject lands are located within the Urban Settlement Area, as per Schedule A and a Stable Residential Neighbourhood. With respect to the proposed redevelopment, the subject lands represent a development that is compatible and is in keeping with the built form of the established neighbourhood character. Therefore, the proposed redevelopment conforms with the above noted policies.

Policy 2.3.2.3 The Urban Settlement Area will accommodate the majority of residential and employment growth within the municipality on the basis of full municipal services.

The proposed redevelopment is located within the Urban Settlement Area and is intended to utilize full municipal services to support the redevelopment. The proposed form of intensification will facilitate the targeted residential growth for the Town of Grimsby as denoted by both the Growth Plan and the Niagara Regional Official Plan.

Policy 2.3.2.4 **Schedule A** also delineates the *built boundary* for the Town of Grimsby. *Development* within the *built boundary* contributes towards the *intensification* target in Section



2.4.4. However, within the *stable residential neighbourhoods*, *intensification* will be limited. An *intensification* strategy in Section 2.4.6 sets out the means to achieve the *intensification* target.

The above policy notes that a majority of intensification will be directed away from residential neighbourhoods. Although the proposal is representative of residential intensification, the proposal is compatible with the established neighbourhood character as the proposed uses of single and semi-detached dwellings are in keeping with the prevailing land uses in this neighbourhood. A detailed analysis of the policies within Section 2.4.6 is provided below.

Policy 2.3.2.10 **Stable Residential Neighbourhoods**

Outside of the major *intensification* areas and the Employment Areas, the majority of the Urban Settlement Area within the *built boundary* is considered a stable residential neighbourhood. *Stable residential neighbourhoods* are intended to retain their existing character with limited change. This does not mean that new housing must mimic the character, type and density of existing housing but rather it shall fit into and reinforce the stability and character of the neighbourhood. Within this area, infill and *intensification* may be permitted where it respects the scale and built form of the surrounding neighbourhood, conforms to the land use policies of Section 3.4, and meets the compatibility criteria in Section 3.4.7.

A detailed analysis of the development criteria outlined in Section 3.4 is considered below. The proposed redevelopment is predominantly surrounded by single- and semi-detached dwellings, along with several areas containing street townhouse development. Proposed are 2.5 storey dwellings which are compatible with the 2 storey dwellings already found in this neighbourhood. The subject lands are located along a collector road and the Waterfront Trail. Many developments in proximity to the subject lands, and adjacent to the Lake Ontario shoreline, utilize private access roadways. As such, the proposal is reflective of the established character and scale found adjacent to the proposed redevelopment.

Subsection 2.3.4 outlines the goals, objectives, and policies regarding lands within the Natural Heritage System designation. The primary goal is to protect and enhance the natural environment of the Town. As the northern portion of the subject lands are located along the Natural Heritage System as it pertains to Lake Ontario's shoreline, the following policies are applicable:

Pol.2.3.4.1 *Development and site alteration* may be permitted within the Natural Heritage System located within the Greenbelt Plan, as illustrated on **Schedule A**, if it is not prohibited by other Policies of this Plan including those for Environmental Protection Areas in Section 3.1.1 and Hazard Land Areas in Section 3.2, and it has been demonstrated through an *Environmental Impact Study* prepared in accordance with Section 9.18 that:



- a) Connectivity along the system and between Environmental Protection Areas, and key hydrologic features is maintained, or where possible, enhanced;
- b) The removal of natural features not identified as Environmental Protection Areas, or key hydrologic features will be avoided and such features should be incorporated into the planning and design of the proposed use whenever possible;
- c) The disturbed area of any site does not exceed 25 percent, and the impervious surface 10 percent, of the total developable area, except for recreational uses and *mineral resource* uses. With respect to golf courses, the disturbed area shall not exceed 40 percent of the site;
- d) At least 30 percent of the total developable area of the site will remain or be returned to *natural self-sustaining vegetation*, recognizing that standards for mineral *aggregate* operations, wayside pits, and quarries are established through the Non-Renewable Resources Policies in the Greenbelt Plan and Section 3.11 of this Plan;
- e) Buildings or structures are planned to optimize the compatibility of the proposal with the natural surroundings; and
- f) There will be no negative effects on key natural heritage features or key hydrologic features or their functions.
- g) Where non-agricultural uses are contemplated within the Natural Heritage System, applicants shall demonstrate that:
 - i. *Connectivity* along the system and between *key natural heritage features* or *key hydrologic features* located within 240 metres of each other is maintained or enhanced; and
 - ii. Buildings or structures do not occupy more than 25 percent of the total developable area and are planned to optimize the compatibility of the project with the natural surroundings.

Policy 2.3.4.3 Where studies undertaken as per Section 2.3.4.1 delineate lands to be protected from *development* in order to maintain the linkage function, these *linkages* will be considered to form part of the Natural Heritage System and shall be designated Environmental Conservation Area as per Section 3.1.2 unless the lands meet the criteria for the Environmental Protection designation.

Shoreline Connectivity is maintained with a development buffer that proposes no further development beyond the rear edge of the proposed single and semi-detached dwellings. Other than construction of the revetment, it is the intent that the rear of the site remain naturalized to encourage the growth of natural self-sustaining vegetation. Also included in this buffer is an improved bank swallow nesting area within the amour stone revetment wall. The removal of any trees on site will offset by the proposed tree plantings of the included Landscape Plan. Further, an Environmental Impact Study has been concurrently submitted with this report, providing numerous mitigative measures. These details can be found within the EIS report jointly submitted.



2.4 GROWTH MANAGEMENT

Policy 2.4.4 The Town shall target for approximately **80 per cent** of new dwelling units to be provided through *intensification* after 2015.

The proposed redevelopment will assist in facilitating the residential intensification targets by providing for an additional 31 units where currently only one exists. Accordingly, the proposal represents an appropriate form of residential intensification for the contribution of the 80% residential intensification target.

Policy 2.4.6 To achieve the target set out in Section 2.4.4, the Town shall implement the following Intensification Strategy:

a) Encourage infill and *intensification* throughout the *built-up* area of the Urban Settlement Area to achieve higher densities than what currently exist within the Intensification Area subject to the other policies of the intensification strategy and this Plan;

d) Infill and *intensification* within the *stable residential neighbourhood* component of the Urban Settlement Area may be permitted where it respects and reinforces the stability of the residential neighbourhoods and is of a scale and built form that reflects the surrounding neighbourhood. The tests of appropriate infill and *intensification* shall be determined through the compatibility criteria set out in Section 3.4.7;

f) All *intensification* and infill *development* within the *built boundary* shall be subject to site plan control to ensure that the built form and physical look of the built form is compatible with the neighbourhood;

The above policies speak to encouraging infill intensification without the Urban Settlement Area. Accordingly, the proposed redevelopment will facilitate an appropriate form of residential intensification that is compatible with the scale and built form already found within this neighbourhood. A detailed analysis of the criteria provided above will be provided below.

It is anticipated that the proposal will be subject to site plan control should the requisite Zoning By-laws be approved. In accordance with the above, the site plan application process will ensure that the proposed development is implemented and consider compatibility from a design perspective. The density and building height conform to the Official Plan. Associated setbacks along the westerly and easterly yards will ensure compatibility with the existing and adjacent residential development.

2.5 HOUSING

The goal of the Town of Grimsby's Official Plan is to accommodate future housings demands while maintaining the character of established neighbourhoods. The following policies are applicable to the proposed development in its ability to help accomplish this goal.



- Policy 2.5.1 The Town shall encourage the *development* industry to provide housing which includes a variety of *dwelling unit* types in terms of density, tenure, unit size and price including special needs housing.
- Policy 2.5.2 The Town shall seek to maintain at all times a 10-year supply of residential designated lands. In this context, designated means in approved Secondary Plans where applicable.
- Policy 2.5.4 The Town shall permit and facilitate all forms of residential *intensification* in accordance with the Intensification Strategy in Section 2.4.6.
- Policy 2.5.5 In considering applications for infill and *intensification*, the Town shall consider the impact on adjacent residential uses including overlook and shadowing, the character of the surrounding area and the need for a transition in heights and densities adjacent to existing residential uses as per Section 3.4.7.

The proposed redevelopment will provide 31 dwelling units through a future common element condominium that features single and semi-detached dwellings. This built form is prevalent in the neighbourhood and is compatible to the surrounding neighbourhood in scale and mass without impacting adjacent to adjacent residential uses. Accordingly, the proposal conforms to the intended unit mix considered by the policies above and will contribute to the range of dwelling types and tenures available within the Town and Region.

As per the policy framework above, the proposed development is appropriately located along collector road and multi-use trail system and contributes to the housing stock available in the Town of Grimsby. Subject to the detailed review of the residential intensification policies below, the proposed redevelopment is appropriate and is compatible with the existing neighbourhood. The proposed redevelopment will facilitate residential intensification within an appropriate built form. Accordingly, the proposed redevelopment conforms with the relevant Municipal Structure Policies contained within Section 2.0 of the Grimsby Official Plan.

Section 3.0 Land Use Policies

Section 3.0 of the Official Plan sets out the land use designations that apply throughout the Town of Grimsby. The subsequent policies from this section that are applicable to subject application are described below.

3.1 NATURAL ENVIRONMENT

The intent of this section is to set policy to protect significant natural heritage features and functions for their ecological benefit, contribution to human health, and to preserve the natural heritage of the



Town of Grimsby. As the proposed development contains a portion of land along the shoreline designated as 'Natural Heritage System,' as per Schedule A, the following Natural Environment policies are applicable.

Policy 3.1.1.1 Environmental Protection Areas shall include:

- c) *Fish Habitat*, and
- d) Significant habitat of threatened and endangered species;

Policy 3.1.1.2 Within the Natural Heritage System, located in the Greenbelt Plan Area, Environmental Protection Areas shall also include:

- a) Key Natural Heritage Features including:
 - iv. Significant wildlife habitat;
 - v. Significant habitat of species of concern;

Policy 3.1.1.3 Within the entirety of the Greenbelt Plan Area, Environmental Protection Areas shall also include:

- a) Key Hydrologic Features including:
 - ii. lakes and their littoral zones;

The subject lands are located on the Lake Ontario shoreline; the lake is considered a key hydrologic feature and fish habitat as is further designated as an Environmental Conservation Area, as per Schedule B. Further, a bank swallow nesting area has been discovered on the lands. As per the concurrently submitted EIS, an improved nesting area has been designed in coordination with the MECP to provide future nesting areas for the future bank swallow population. An overall benefit permit will be submitted to the NEP to address the removal and replacement of the bank swallow nesting habitat.

Policy 3.1.1.6 Mapping of the significant habitat of threatened and endangered species and mapping of significant wildlife habitat is not included on Schedule B. Much of this habitat is likely found within the Environmental Protection and Environmental Conservation areas shown on Schedule B however. Significant habitat of threatened and endangered species and significant wildlife habitat will be identified through sub-watershed studies, secondary planning and review of development applications. Where such habitat is identified, development and site alteration shall be subject to the policies of the Environmental Protection Area designation.

The discovered bank swallow area shall be protected via a development buffer along with improved nesting area built into the proposed armour stone revetment. No impact is expected to the Waterfowl Stopover and Staging Area along the shoreline. To reduce potential impact to potential future bat colonies, and necessary tree removal will only take place between October 1 and April 30 to avoid the active season for bats. Construction work should also be reduced to daylight hours. The report also



looks for the proposed development to provide an Erosion and Sediment Control (ESC) Plan to ensure runoff from the development does not impact the fish habitat of Lake Ontario.

Pearson Engineering Ltd. has prepared an Environmental Protection Plan, acting as a Erosion and Sediment Control Plan that includes additional items ensuring the protections of Lake Ontario.

Policy 3.1.1.12 Development and site alteration may be permitted without an amendment to this Plan on adjacent lands, except for those lands within the minimum vegetation protection zones associated with Environmental Protection Areas located in the Greenbelt Plan Area, subject to the following.

a) It has been demonstrated through an EIS in accordance with Section 9.18 that, over the long term, there will be no significant negative impact on the feature or its function or adjacent lands; and,

b) The proposed development or site alteration is not prohibited by other Policies in this Plan.

Policy 3.1.1.13 Notwithstanding Section 3.1.1.8, within Fish Habitat and adjacent lands outside of the Natural Heritage System located in the Greenbelt Plan Area, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its designate. First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. The proponent shall be required to prepare an EIS to the satisfaction of the Department of Fisheries and Oceans, or its designate, in accordance with Section 9.18.

Policy 3.1.1.14 A naturally vegetated buffer zone, a minimum 30 metres in width extending from each side of the stream shall be required adjacent to all streams containing critical Fish Habitat as defined by the Ministry of Natural Resources and all streams containing Fish Habitat within the Greenbelt Plan Area. Outside the Greenbelt Plan Area a naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by the Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by the Ministry. A narrower buffer may be considered where the EIS has demonstrated that it will not harm fish or fish habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres. Agricultural cultivation does not require planning approval and is not subject to these requirements.

The waters of Lake Ontario also are a significant fish habitat. Development and site alteration on adjacent lands shall be subject to Sections 3.1.1.13-15 and to the provisions respecting Environmental Protection Areas in Sections 3.1.1.15-18, 3.1.1.21-23 and 3.1.1.25.



A variable development buffer between 25m – 30m is proposed and is justified through an EIS that is concurrently submitted. The buffer will facilitate the growth of native species along the shoreline and improve nesting conditions for the wildlife habitat found on site.

This EIS found that over the long term, no significant impact on the fish habitat or bank swallow nesting area. Further, the development will proceed consistent with the requirements of a forthcoming Overall Benefit Permit to address impacts to the Bank Swallow nesting habitat.

Policy 3.1.1.16 Within the Greenbelt Plan Area, a proposal for development or site alteration within 120 metres of an Environmental Protection Area designation shall require a natural heritage evaluation and hydrological evaluation that identifies an appropriate vegetation protection zone which:

- a) Is of sufficient width to protect the natural heritage or hydrologic feature and its functions from adverse environmental impacts of the *development or site alteration*;
- b) Is established and maintained as *natural self-sustaining vegetation*; and
- c) Is a minimum 30 metres wide in the case of wetlands, seepage areas and springs, *fish habitat*, permanent and intermittent streams, lakes and significant *woodlands* or greater if determined appropriate by an *EIS*.

The proposed development provides a natural self-sustaining vegetation buffer along the shoreline. The concurrently submitted EIS supports the development and the provided variable buffer width of 25m - 30m.

Policy 3.1.1.19 Where, through the review of a planning application, it is found that there are important environmental features or functions that have not been adequately evaluated; the applicant shall have an evaluation prepared by a qualified biologist to the satisfaction of the Town in consultation with the Region, and the Niagara Peninsula Conservation Authority. The Ministry of Natural Resources should also be consulted where required. If the evaluation finds one or more environmental features meeting the criteria for identification as an Environmental Protection Area, the policies of Section 3.1.1 shall apply.

The concurrently submitted EIS details the environmental features located on the subject lands including the Lake Ontario shoreline and a bank swallow nesting area. The submitted EIS is in support of the development, granted that the development utilize the recommended mitigation methods outlined in the report.

Policy 3.1.1.21 Where *development or site alteration* is approved adjacent to an Environmental Protection Area designation, new lots thus created shall not extend into either the area to be retained in a natural state as part of the Environmental Protection Area designation or the buffer zone identified through an *Environmental Impact Study*. The lands to be retained in a natural state and the adjacent buffer zone shall be



maintained as a single block and zoned to protect their natural features and *ecological functions*.

The development has provided a buffer to be added to the Environmental Protection Area. No lots are proposed within this protected area.

Policy 3.1.1.23 Where *development* or *site alteration* is approved on *adjacent lands*, the applicant shall submit a Tree Saving Plan for the *adjacent lands*. The Plan shall be prepared in accordance with the Regional Tree and Forest Conservation By-law and its implementation monitored by a member of the Ontario Professional Forestry Association.

An Arborist Report, Tree Protection Plan and Landscape Plan have all been prepared and submitted with this application. The Tree Protection Plan details which trees will be required to be removed and the subsequent compensation planting proposed. This is integrated into the Landscape Plan provided.

Subsection 3.1.2 outlines policy directed at lands designated 'Environmental Conservation Area'. as per Schedule B of the Official Plan the northern portion of the site has been designated as 'Environmental Conservation Area' and as such the following policies are applicable to the proposed development.

Policy 3.1.2.5 Within the Environmental Conservation Areas and *adjacent lands*, *development*, *site alteration*, and non-linear infrastructure may be permitted without an amendment to this Plan provided:

- a) It has been demonstrated, through an *Environmental Impact Study (EIS)* in accordance with Section 9.18, that, over the long term, there will be no significant *negative impact* on the natural feature or its *ecological functions* or on *adjacent lands*; and
- b) The proposed *development* or *site alteration*, or *non-linear infrastructure* is not prohibited by other Policies in this Plan.

The concurrently submitted EIS confirms that no negative impact is perceived to stem from the proposed development of the lands.

Policy 3.1.2.7 The boundaries of the Environmental Conservation Area may be defined more precisely through sub-watershed or environmental planning studies, secondary planning, *Environmental Impact Studies*, or other studies prepared to the satisfaction of the Town in consultation with the Region, and the Niagara Peninsula Conservation Authority. A significant modification, such as a change in the classification of an Environmental Conservation Area, or a significant change in the spatial extent or boundaries of a feature, requires an amendment to this Plan unless otherwise provided for in this Plan.



Policy 3.1.2.10 Where, through the review of a planning application, it is found that there are important environmental features or functions that have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified biologist to the satisfaction of the Town in consultation with the Region, and the Niagara Peninsula Conservation Authority. If the evaluation finds one or more natural heritage features meeting the criteria for identification as an Environmental Conservation Area, the policies of Section 3.1.2 shall apply.

Policy 3.1.2.11 If a feature meeting the criteria for identification as an Environmental Conservation Area is identified through an evaluation under Section 3.1.2.10 or through other studies, it shall be considered for inclusion in the Environmental Conservation Area designation through an amendment to this Plan. Where such a feature is identified on lands involved in an ongoing planning application the policies of Section 3.1.2 shall apply.

Policy 3.1.2.12 Where *development* or *site alteration* is approved in or adjacent to an Environmental Conservation Area designation, new lots thus created shall not extend into either the area to be retained in a natural state as part of the Environmental Conservation Area or the buffer zone identified through an *Environmental Impact Study*. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and *ecological functions*.

The concurrently submitted EIS identifies the limits of the natural heritage features present on the subject lands. This provides greater detail regarding the required vegetation buffers and development setbacks. The lots proposed do not extend into this vegetation buffer.

Policy 3.1.2.14 Where development or site alteration is approved within the Environmental Conservation Area or adjacent lands, the applicant shall submit a Tree Saving Plan. The Plan shall be prepared in accordance with the Regional Tree and Forest Conservation By-law and its implementation monitored by a member of the Ontario Professional Forestry Association.

An Arborist Report, Tree Protection Plan and Landscape Plan have all been prepared and submitted with this application. The Tree Protection Plan details which trees will be required to be removed and the subsequent compensation planting proposed. This is integrated into the Landscape Plan provided.

Policy 3.1.2.15 Subject to other policies in this Plan, an expansion to an existing use located within an Environmental Conservation Area may be permitted if it will have no significant *negative impact* on the natural feature or its ecological functions. If the expansion involves a substantial *intensification* in land use or increase in the land area devoted to the use the proponent shall prepare an *Environmental Impact Study* in accordance with Section 9.18.



The concurrently submitted EIS illustrates that the proposed development should have no significant negative impact on the natural features located within the Vegetative Protection Zone provided and the Lake Ontario Shoreline.

3.2 – HAZARD LAND AREA

As per Schedule B, the subject lands are affected by a Hazard Land Area overlay, running adjacent to the Lake Ontario Shoreline. As such, the following land use policies are relevant.

Policy 3.2.3 Within lands shown as Hazard Land Area, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards including flood proofing, protection works, access as determined by the demonstration and achievement of all of the following:

- i. Development and site alteration is carried out in accordance with flood proofing standards, protection works standards and access standards;
- ii. Vehicles and people have a way to safely enter the area during times of flooding erosion or other emergencies;
- iii. New hazards are not created and existing hazards are not aggravated; and
- iv. No adverse environmental impacts will result.

Permitted uses in the Hazard Lands area shall be limited to *agricultural uses* excluding new buildings, open space, existing uses, flood and/or erosion control works, other passive non-structural uses which do not affect flood flows and uses legally existing at the time of approval of the plan. Where the Hazard Land Area overlays an Environmental Protection Area or Environmental Conservation Area designation, *agricultural uses* shall be limited to existing uses and forestry, fish, wildlife or conservation management uses may also be permitted in accordance with Section 3.1.

Policy 3.2.4 *Development*, including the creation of *new lots*, shall not be permitted in areas identified as susceptible to *flood hazard* as defined by the Provincial Policy Statement and regulated by the Niagara Peninsula Conservation Authority, except for uses which by their nature must locate within the *floodway* such as flood or erosion control works.

Policy 3.2.6 *Development* shall generally be directed to areas outside of *hazardous sites* such as areas of unstable soils, organic soils or *unstable* bedrock. *Development* and *site alteration* will not be permitted, on *hazardous sites*, unless a geotechnical study, prepared and signed by a qualified engineer, has demonstrated to the satisfaction of the Town in consultation with the Conservation Authority that the *development* is feasible.



The concurrently submitted Geotechnical Slope Analysis and Stability Report illustrates the location of the stable top of slope. No development, including lot creation is proposed within any lands that should be considered a hazard. The geotechnical study demonstrates the development's feasibility.

Policy 3.2.7a Planning and management of land and water assets should restore and renew natural habitats and communities; enhance and maintain natural ecological processes; and ensure environmental sustainability by introducing more vegetation along the shoreline.

Policy 3.2.7b New development should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided, then mitigation measures shall be required. New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.

Policy 3.2.7c Development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies in Section 3.2.7a as well as the Hazard Land Area Policies.

Policy 3.2.7d Development and site alteration may be permitted without an amendment to this Plan on Environmental Conservation Areas, Natural Heritage Corridors, and adjacent lands (set out in Table 3.2.7) if it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with the Policies of this Plan.

The submitted Landscape Plan, in coordination with the concurrently submitted EIS provide a Natural Vegetation Protection Zone adjacent to the Lake Ontario Shoreline. No net negative impact is anticipated as a result of the proposed development. The development further retains and will attempt to improve the ecosystem health of the Conservation Lands and at-risk species habitat located along the shoreline.

Policy 3.2.7.h Within Fish Habitat and/or adjacent lands as specified in Appendix 2, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its designate. The proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Department of Fisheries and Oceans. First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum of 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by the Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by



the Ministry. A narrower buffer may be considered where the EIS has demonstrated that it will not harm fish or fish habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres.

Lake Ontario is considered a Fish Habitat. The concurrently submitted EIS demonstrates that the proposed development is not anticipated to negatively impact the productive capacity of fish habitat adjacent to the subject lands. A natural vegetation buffer has been provided that varies in width but at no point encroaches 15 metres from the water's approximate edge.

Policy 3.2.9 A geotechnical report (at the expense of the applicant) prepared to the satisfaction of the Conservation Authority and the Region is required for new development adjacent to the Lake Ontario shoreline where the bank height is equal to or greater than 3 metres. The study will determine the location of the stable top of bank, stable slope allowance and make recommendations pertaining to: development setbacks, construction equipment access, limit of work, vegetation protection, toe protection, sediment and erosion controls, drainage, etc..

In some cases, shoreline protection works may be used to address the hazards associated with Lake Ontario. Shoreline Protection works require approval from the Conservation Authority in accordance with Regulation 155/06, as amended from time to time.

A Geotechnical Report and Slope Stability Analysis have been concurrently submitted with this application. These reports demonstrate the feasibility of the proposed development and have identified the stable top of bank.

Policy 3.2.9 A geotechnical report (at the expense of the applicant) prepared to the satisfaction of the Conservation Authority and the Region is required for new development adjacent to the Lake Ontario shoreline where the bank height is equal to or greater than 3 metres. The study will determine the location of the stable top of bank, stable slope allowance and make recommendations pertaining to: development setbacks, construction equipment access, limit of work, vegetation protection, toe protection, sediment and erosion controls, drainage, etc.. In some cases, shoreline protection works may be used to address the hazards associated with Lake Ontario. Shoreline Protection works require approval from the Conservation Authority in accordance with Regulation 155/06, as amended from time to time.

Policy 3.2.12 In many cases, the Hazard Land lines shown on the Schedules are an approximation of the potential hazard. To determine if a property is actually susceptible to a natural hazard, such as flood, erosion or wave uprush, the Niagara Peninsula Conservation Authority should be contacted and a site-specific engineering study may be required.

Policy 3.2.15 Where *development* is not permitted in a hazard area as per Section 3.2.4 through 3.2.10, new lots shall not extend into the hazard area and the hazard area shall be



maintained as a single block and zoned to recognize the hazard nature of the lands. The transfer of the hazard lands to the Town or the Conservation Authority shall be encouraged. However, these lands will not be accepted as parkland dedication.

Policy 3.2.16 Approvals for any *development* within lands designated Hazard Land also require the prior written approval of the Niagara Peninsula Conservation Authority.

Policy 3.2.18 The Niagara Peninsula Conservation Authority administers the *Development, Interference with Wetlands and Alterations to Shorelines, Lake Ontario Shoreline, Valleylands and Watercourses Regulation 155/06*, under the Conservation Authorities Act. These regulated areas include such areas as floodplains, erosion areas, *wetlands*, shorelines, Lake Ontario Shoreline, valley lands and *watercourses*, which are generally illustrated in Appendix 3. A permit is required from the Niagara Peninsula Conservation Authority prior to any site alteration, development, interference with wetlands and alterations to shorelines, Lake Ontario Shoreline, valley lands and *watercourses*.

The proposed development will not create new residential lots within the hazard lands, as determined by the concurrently submitted EIS and Shoreline Hazard Assessment. The Niagara Peninsula Conservation Authority is included in circulation of all submission materials for their review and approval. Permits will be applied for at the appropriate stages of development.

Accordingly, the proposed development has addressed matters associated with the above policies regarding hazard lands and natural heritage through the concurrently submitted supporting studies which are further described in Section 5 of this report. The proposal conforms to the Official Plan.

3.4 RESIDENTIAL NEIGHBOURHOODS

Section 3.4 outlines policy directed at residential land use policies. The primary goal in this section of the Town of Grimsby Official Plan is to accommodate a variety of lifestyles by encouraging a broad range of housing types.

The objectives in this section of the Official Plan are as follows:

1. To protect and enhance the character and image of existing residential neighbourhoods.
2. To promote higher density, transit supportive and mixed use development/ redevelopment in appropriate locations.
3. To encourage and facilitate the production of a range of dwelling types and forms of tenure, including housing that is more affordable to the existing and future residents of Grimsby.
4. To encourage high quality design that is environmentally sustainable and is compatible with the character and image of the adjacent buildings.

The proposed development is a built form that will protect and enhance the existing neighbourhood. The development looks to protect the natural shoreline through a natural Vegetation Protection Zone while still providing a higher density of housing in an appropriate location utilizing a tenure not



prevalent in the neighbourhood. The proposed built form is compatible with the character of the surrounding neighbourhood. The following policies are applicable to the proposed development.

Policy 3.4.1.2 Every lot shall have access to an open, improved public road which is maintained on a year-round basis.

Each proposed lot will have access to an open condominium road that is maintained year-round. A 5-metre-wide access to the shoreline is provided from the condominium road. This condominium road is accessed in two places, connecting to Lake Street.

3.4.1.4 Adequacy of Municipal Services

In all instances of *development* or redevelopment, the adequacy of municipal services to serve the proposals will be considered. The Town may require *development* to be appropriately phased if it is found that municipal services are inadequate to serve site-specific *development* proposals. Municipal services include not only the services relating to water supply, sanitary sewage disposal and storm drainage but also roads, park, and school facilities.

The proposal intends to connect to existing municipal services. A concurrently submitted civil engineering package address matters including servicing, grading, and stormwater management, and erosion and sediment control. Section 5 describes these plans in more detail.

3.4.2 LOW DENSITY RESIDENTIAL AREA

The subject lands are located in a stable residential neighbourhood within the urban settlement area. The intent of the Official Plan is to protect stable residential neighbourhoods from significant redevelopment while permitting ongoing evolution and rejuvenation. The following policies are applicable to the proposed development.

Policy 3.4.2.1 Within the Low Density Residential Area, permitted uses shall include:

- a) Single detached dwellings, semi-detached dwellings, linked semi-detached dwellings, *secondary suites* and duplexes;

Policy 3.4.2.2 Low density residential building forms shall not exceed a height of 2.5 storeys.

Policy 3.4.2.3 All Low Density Residential *development* shall be compatible with adjacent properties and shall respect the character and image of the neighbourhood.

Policy 3.4.2.4 Low density residential uses shall have a density of not more than 25 units per net residential hectare.

The proposed development includes single and semi-detached dwellings, that are proposed to be 2.5 storeys or less. The built forms and orientation are compatible with the surrounding neighbourhood and proposed a density of ± 24 units per hectare.

- Policy 3.4.2.5 Within *stable residential neighbourhoods*, the maximum permitted height and density may be lower than that permitted in Sections 3.4.2.2 and 3.4.2.4 in order to conform to the urban design criteria in Section 3.4.7.
- Policy 3.4.2.6 All development within the Low Density Residential Area designation shall conform to the Urban Design Policies for Residential Neighbourhoods in Section 3.4.7.
- Policy 3.4.2.7 All new residential development, and additions greater than 20% of the existing floor area, within *stable residential neighbourhoods* shall be subject to site plan approval at the discretion of the Town, which shall consider the compatibility criteria of Section 3.4.7.4.

A detailed analysis of the above noted sections are considered below. The proposed redevelopment is considerate of the surrounding neighbourhood and reflects the general scale of development that is found along the Lake Street frontage.

Policy 3.4.7 Design Policies for Residential Neighbourhoods

The Town's objectives for urban design within Residential Neighbourhood designations are:

1. To enhance the livability and physical appeal of the Town through the quality, layout and attractiveness of the public streetscape and private spaces and buildings.
2. To provide development proponents with an understanding of the design intent of the Town.
3. To ensure that development within *stable residential neighbourhoods* reflects and fits in with the established character.

The proposed development is situated along Lake Street, a collector road. The proposed redevelopment is considerate of the above noted objectives by providing for a redevelopment that fits within the established character of the neighbourhood as the adjacent lands are comprised of one to two storey single and semi-detached dwellings along with townhouses. The proposed redevelopment conforms to the overall objectives for Residential Neighbourhoods.

Policy 3.4.7.1 Development Blocks and Lots – General Criteria

- a) New *development* blocks shall be based on a rectilinear grid system of public roads unless natural features or other existing constraints require deviation from that pattern. Lanes are permitted but not required.
- b) The size and configuration of each new *development* block will:
 - i. Be appropriate to its intended use;
 - ii. Facilitate and promote pedestrian movement; and,
 - iii. Provide a sufficient number and, where appropriate, a range of building lots to achieve cost effective and efficient *development*.



- c) Each *development* lot in a block will:
 - i. Have frontage on a public road; and,
 - ii. Be of sufficient size and appropriate configuration to accommodate *development* that reflects the planning and urban design policies set out in this Official Plan.

The proposed development features a rectilinear design. Pedestrian movement is facilitated through sidewalks connecting to the collector road. The proposed lots are an efficient and cost-effective use of available lands. Each lot has frontage on a private condominium road.

Policy 3.4.7.2 General Built Form

- a) New *development* shall be compatible with adjacent and neighbouring built form by ensuring that the siting and massing of new buildings does not result in undue adverse impacts on adjacent properties particularly in regard to adequate privacy conditions for residential buildings and their outdoor amenity areas.
- b) To ensure that the compatibility referenced in a) is achieved; the implementing Zoning By-law will establish appropriate setback and yard requirements which recognize the existing built-form character.
- c) To support public transit and for reasons of public safety and convenience, the main entrances to homes and multi-residential buildings shall be clearly visible and located on a public road or onto public open spaces.
- d) Access from sidewalks and public open space areas to primary building entrances shall be convenient and direct, with minimum changes in grade.

The proposed development is compatible with the surrounding stable neighbourhood. The siting and massing are not anticipated to have any negative or adverse impacts on adjacent properties. Appropriate setbacks are being provided to ensure adequate privacy conditions are maintained. The main entrances to the dwellings will be clearly visible. Accesses from sidewalks are direct and provided with minimal grade change.

Policy 3.4.7.3 Location of Buildings with Respect to Roads, Parks, Open Space, Natural Hazards and Natural Heritage

- a) To reinforce the road, lane and block pattern, the following measures shall be employed:
 - i. All buildings will be aligned parallel to a public road;
 - ii. Siting and massing of buildings will provide a consistent relationship, continuity and enclosure to the public roads;



- iii. Buildings located adjacent to, or at the edge of parks, natural hazards and natural heritage and open spaces will provide opportunities for overlook into the open space, natural hazards and natural heritage;
- iv. The massing, siting and scale of buildings located adjacent to, or along the edge of a park or open space, natural hazard or natural heritage will create a degree of enclosure or definition appropriate to the type of open space, natural hazards and natural heritage they enclose; and,

The proposed development is not aligned parallel to a public road as it is intended to become a private condominium development. The proposed orientation is consistent with the current neighbourhood design, with a prevalence of flank yards along Lake Street. The proposed buildings, including the condo clubhouse, along the vegetation buffer adjacent to the lake have been provided to provide for overlook onto Lake Ontario. Overall, the proposed massing, siting, and scale of these buildings creates an enclosure of the natural space.

Policy 3.4.7.4 Compatibility Criteria for *Stable Residential Neighbourhoods*

- a) It is a fundamental principle to avoid and/or mitigate any inappropriate interface between buildings and/or uses. As such, the concept of *compatible development* is of paramount importance throughout Residential Neighbourhood areas. All *development* applications shall be reviewed with respect to their compatibility with existing and/or approved *developments*.

As noted above, given the surrounding context, the proposed height and density of the proposed development are appropriate. Furthermore, the proposed development is compatible with the existing built form found along Lake Street. The proposed orientation and setbacks still provide adequate privacy for adjacent housing.

- b) New dwellings within *stable residential neighbourhoods* shall provide a consistent relationship with existing *adjacent housing* forms and the arrangement of these existing houses on their lot. As such, new dwellings shall:
 - i. Provide a building height which reflects the pattern of heights of *adjacent housing*;
 - ii. Provide for a similar lot coverage to *adjacent housing* to ensure that the massing or volume of the new dwelling reflects the scale and appearance of *adjacent housing*;
 - iii. Maintain the predominant or average front yard setback for adjacent housing to preserve the streetscape edge, and character;
 - iv. Provide for similar side yard setbacks to preserve the spaciousness on the street;



- v. Provide a built form that reflects the variety of façade details and materials of *adjacent housing*, such as porches, windows, cornices and other details; and
- vi. Provide a limitation on the width of a garage so that the dwelling reflects the façade character of *adjacent housing*.

The proposed dwellings will provide a height consistent with adjacent housing heights. The lot coverage proposed is similar to most developments in the area. The adjacent house to the west has a lot coverage that is uncharacteristic of the neighbourhood. The proposed setback from Lake Street is consistent with most development along Lake Street and will align well with the development to the east. The proposed building elevations and building material have not yet been provided; these items will be addressed further in the development process through Site Plan Control.

- c) Site specific zoning may be required for new dwellings to ensure that the criteria set out in subsection b) and h) are met

Any site-specific zoning provisions required are outlined in Section 4.7 below.

- e) New lots within stable residential neighbourhoods shall provide a consistent relationship with existing adjacent housing lots. As such applications for consents and plans of subdivision shall:
 - i. On smaller infill properties, provide lots, which maintain the established rhythm of lot sizes and frontages on adjacent housing lots;
 - ii. On larger infill properties, incorporate a transition area so that lots of similar size and character are located adjacent to existing lots; and
 - iii. Create a street and block pattern, which serves as a seamless extension of the surrounding neighbourhoods by providing an interconnected block structure and the extension of the existing local road network.

The proposed lots are compatible with the existing neighbourhood. The proposed private road is oriented in a logical grid pattern.

As noted above, the proposal conforms to the policies respecting compatibility within stable residential neighbourhoods. The Zoning By-law Amendment conforms to the policies listed under Section 3.4.3 and the criteria listed in Section 3.4.7 are met. Additional analysis will follow below. The overall redevelopment will contribute positively to the existing neighbourhood while adding to the available housing stock within the Town of Grimsby.

Section 4.0 Environmental Management and Sustainability

Section 4.0 of the Grimsby Official Plan speaks to the consideration of Natural Heritage and Climate Change as they relate to the proposed redevelopment. The goal of the Official Plan is to “*manage development such that impacts on the natural environments and human health are avoided or*



minimized and opportunities are provided to achieve sustainable development. And maintain a high quality natural environment.” The following policies are applicable to the proposed development.

4.1 HEALTHY LANDSCAPE

Policy 4.1.2 *Development, including infrastructure, should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided, then mitigation measures shall be required.*

The proposed development will provide a natural vegetative protection zone adjacent to the shoreline. As per the concurrently submitted EIS and Landscape Plan, the proposed development is not anticipated to have any negative impacts to the shoreline, bank swallow nesting area, or fish habitat.

4.2 WATER RESOURCES

Policy 4.2.1 *Development and site alteration shall be restricted in the vicinity of significant groundwater recharge, surface water features and areas of high aquifer vulnerability along with ground water features of importance to municipal water supplies so that the safety, quality and quantity of ground water will be protected or improved or restored. Areas of potential significant groundwater recharge are schematically delineated in Appendix 4. Areas of high aquifer vulnerability have been mapped by the Niagara Peninsula Conservation Area, as shown on Appendix 5.*

Policy 4.2.5 *Development and site alteration shall only be permitted if it will have no negative impacts, including cross-jurisdictional and cross-watershed impacts, on:*

- a) The quantity and quality of surface and ground water;
- b) The functions of ground water recharge and discharge areas, aquifers and headwaters;
- c) The natural hydrologic characteristics of watercourses such as base flow;
- d) Surface or ground water resources adversely impacting on natural features or ecological functions of the Natural Heritage System or its components;
- e) Natural drainage systems, stream forms and shorelines; and
- f) Flooding or erosion.

The subject lands have been identified through Appendix 5 to be located within an area of High Aquifer Vulnerability. As per the submitted Environmental Impact Statement, there are no perceived



negative impacts stemming from the proposed development. The submitted Stormwater Management Plan, prepared by Pearson Engineering provides evidence that stormwater runoff can be safely mitigated. Pearson Engineering has also provided an Environmental Protection Plan, acting as an Erosion and Sediment Control Plan to ensure that erosion impacts are mitigated at the construction stage.

Subsection 4.4 LANDFORM CONSERVATION

The objectives of this subsection are to protect significant landforms and geological features; main and improve public access to open space along the Lake Ontario shorelines; and to main the Lake Ontario shoreline in as natural a condition as possible and promote environmental protection, restoration and enhancement.

While the proposed development will require fill to facilitate the proposed dwellings, the proposed retention wall will improve erosion conditions on the Lake Ontario shoreline. A naturalized vegetative protection zone and development buffer of 25m - 30m in width has been proposed to improve the natural state of the shoreline outside of the proposed residential lots.

Policy 4.4.1 In the review of *development* applications, the following *development* guidelines shall be considered:

- a) New roads should be designed to harmonize with the existing topography to the extent possible, thus minimizing changes;
- b) The removal of vegetation along shorelines should be discouraged; and
- c) Views from and of locally significant landforms should be protected.

Policy 4.4.2 As a condition of *development* approval, applicants shall identify planning, design, grading and construction practices that keep disturbance of landform character to a minimum.

Policy 4.4.3 Planning applications shall integrate natural features and natural vegetation, including the planting of native species, into *development plans*.

The proposed development will feature a private condominium road that creates orderly development while avoiding unjust encroachment into the Lake Ontario shoreline. While vegetation is proposed to be removed from the site, Natural vegetation plantings will be promoted along the shoreline as indicated in the concurrently submitted Landscape Plan and a buffer is included to ensure that the naturalized shoreline remains intact. The Landscape Plan also features street tree plantings throughout the development and provides setbacks from adjacent tree protection zones.

Policy 4.4.6 Public access to the Lake Ontario shoreline shall be maintained or enhanced wherever possible. Road closures that would reduce public access shall not be permitted unless a suitable new access is provided nearby.



- Policy 4.4.7 Landowners are encouraged to maintain Grimsby's shorelines in a natural state by:
- a) Maintaining or establishing a naturally vegetated buffer strip along the shoreline;
 - b) Using non-structural shoreline protection such as bioengineering using native vegetation.

- Policy 4.4.8 Where *development* is proposed along the Lake Ontario shoreline:
- a) Public access to the shoreline shall be provided;
 - b) Efforts shall be made to maintain a view of the shoreline from beyond the *development*;
 - c) Where feasible the shoreline should be maintained in, or restored to, a naturally vegetated state;
 - d) Suitable shoreline lands should be dedicated, where possible, to an appropriate *public agency* where such lands would provide public benefits or are identified as part of a planned public trail system. Normally these lands shall be located above the *stable top of bank*; and,
 - e) A permit will be required from the Niagara Peninsula Conservation Authority as per Section 3.2.18.

The shoreline will be maintained and enhanced through the natural vegetation protection zone and development buffer. Any land dedication has yet to be confirmed.

As previously mentioned, a natural vegetation protection zone and development buffer is proposed. While fill is proposed to facilitate the development, the proposed retaining wall will improve erosion issues along the shoreline, ensuring safe development of the lands.

4.5 ENERGY CONSERVATION AND CLIMATE CHANGE

- Policy 4.5.1 In order to reduce energy consumption, reasonably compact forms of *development* shall be maintained in conjunction with efficient pedestrian, bicycle and vehicular transportation networks.

- Policy 4.5.2 Neighbourhood services and facilities including public recreational facilities shall be provided close to residential development to help reduce automobile trips.

As previously mentioned, the development will utilize a compact built form and includes pedestrian pathways and sidewalks that connect to Lake Street and the shoreline. Lake Street also includes the multi-modal Waterfront Trail which supports multiple forms of active transportation. The subject lands are in proximity to a number of public facilities including dog parks, parks and playgrounds, public beaches, athletic facilities, and public school.

- Policy 4.5.3 When considering building forms, *development* which results in extensive loss of sunlight to adjacent land uses shall be discouraged.



Policy 4.5.7 Site plan control may be used to incorporate energy conservation measures into the final design. Such measures may include orientation and design of new buildings to maximize passive solar gain and to minimize energy loss through appropriate construction standards and landscaping designed to moderate seasonal climatic variation.

The proposed development will have no perceived shadow impacts to adjacent lands as a 2.5 storey development is proposed. At the appropriate Site Plan Control stage of development, further measures may be discussed regarding passive energy supply and landscaping to moderate seasonal climatic variation.

Section 5.0 Infrastructure and Transportation

Section 5.0 provides policy direction pertaining specifically to infrastructure and transportation. Accordingly, the following policies are applicable.

5.1 WATER SUPPLY

Policy 5.1.1 All new *development*, within the Urban Settlement Area boundary shall be required to be connected to the water system as a condition of approval.

5.2 SANITARY SEWAGE TREATMENT

Policy 5.2.1 All new *development* within the Urban Settlement Area Boundary shall be required to be connected to the sewage system in accordance with the requirements of the Town as a condition of approval.

5.3 STORMWATER MANAGEMENT

Policy 5.3.1 A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified engineer may be required with a *development* application depending on:

- a) The scale and nature of the proposal; and
- b) Site-specific environmental conditions.

Policy 5.3.3 Stormwater management plans shall be prepared in accordance with Section 5.3.5 and with the Ontario Ministry of the *Environment Stormwater Management Planning and Design Manual* (2003) or its successor, the Erosion and Sediment Control Guidelines for Urban Construction, Greater Golden Horseshoe Conservation Authorities (2006), the NPCA Stormwater Management Policies (2010) and with other watershed and/or environmental planning studies for the area.



Policy 5.3.4 A stormwater management plan shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services. Stormwater management facilities shall not be constructed in Environmental Protection Areas or Environmental Conservation Areas or the associated *vegetation protection zones* unless permitted under Section 3.1.2.5.

As noted above, the subject lands are located within the Urban Area within the Town of Grimsby. In accordance with the above noted policies, the proposed redevelopment is required to be fully connected to the municipal water and wastewater system. The proposed redevelopment intends to be fully serviced by municipal water and wastewater. Preliminary service plans, erosion and sediment control plan, and stormwater management plan have been concurrently submitted and at the site plan stage, these civil engineering drawings considering servicing, erosion, grading, and stormwater management will be prepared in greater detail to support the redevelopment.

5.4 ROADS AND TRANSIT

Section 5.4 provides policy direction for roads and transit, specifically, Section 5.4.5 (Collector Roads). The subject lands have frontage on a Collector Road (Lake Street) as shown on Schedule C of the Grimsby Official Plan. Lake Street also serves as the Waterfront Trail and Bike Route.

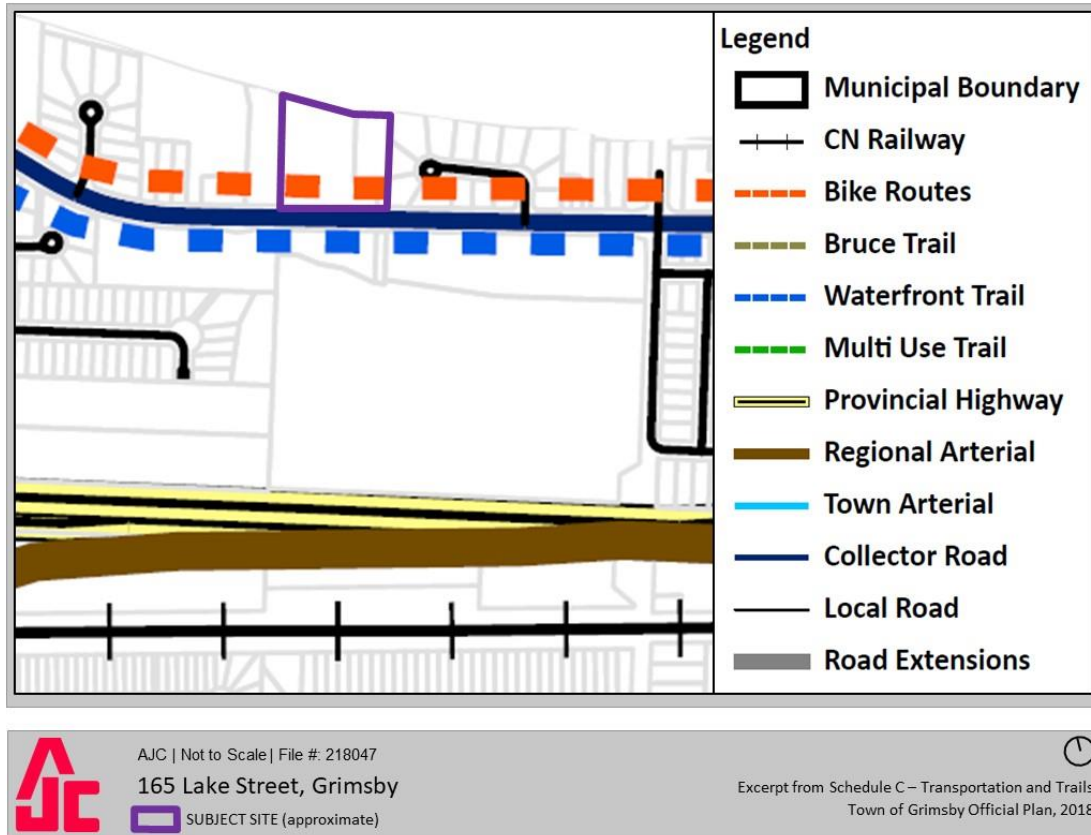
5.4.5 Collector Roads

Policy 5.4.5.1 This road designation applies to roads under the jurisdiction of the Town.

Policy 5.4.5.4 Consideration shall be given to appropriate measures to reduce or discourage excessive vehicular traffic on collector roads in developed areas.

Policy 5.4.5.5 Direct access to abutting properties shall be minimized to the extent possible.

The proposed development promotes more active modes of transportation through the Waterfront Trail/ Bike Route facilitated on Lake Street, thereby reducing the need for increased vehicular traffic. No proposed lots have direct access to the collector road. Access is instead provided through two access points connecting to a looping condominium road.



Section 5.5 provides direction for developments in relation to parking.

Policy 5.5.1 The Town will ensure that adequate public and/or private parking facilities are provided for all new *development* including parking necessary to meet accessibility standards.

The proposed development will provide two (2) tandem spaces per dwelling; one located in the front yard driveway and the other located in an attached garage. In addition to the required residential parking spaces, twelve (12) additional visitor parking spaces have been provided (one barrier free). Accordingly, the proposed redevelopment provides for a surplus of required parking to support the parking demand generated from the proposal.

5.6 ACTIVE TRANSPORTATION

The intent of this section of policy is to improve accessibility of pedestrian and bicycle trails, to encourage alternative modes of transportation, and to realize the long-term goal of a local public transit system.



Policy 5.6.2 Transit

Policy 5.6.2.1 It is the intent of this Plan to explore opportunities for the provision of public transit including opportunities for coordinated transit planning with adjacent municipalities.

Policy 5.6.2.2 All Town Arterial roads and Collector Roads should be designed to accommodate a future transit network.

The future intent of the Grimsby Official Plan is to explore opportunities to support public transit. Accordingly, on November 4th, 2021, Niagara Regional Council adopted a motion to explore the feasibility of providing for a Regional Transit Service. In accordance with this initiative, it can be expected that the Lake Street collector road will be able to support public transit. Accordingly, the development is supportive of transit and represents a desirable location to allocate additional density along this roadway to justify future transit investments.

Policy 5.6.3 Pedestrian and Bicycle Network

Policy 5.6.3.1 A continuous pedestrian and bicycle trail system linking parks and community facilities shall be identified on Schedule C. The bicycle trail system component of Schedule C shall include both on-street and off-street routes.

Policy 5.6.3.2 The Town shall require *development* and redevelopment proposals to facilitate pedestrian and cycling opportunities and to accommodate pedestrian and cycling connections. Secondary plans, draft plans of subdivision and site plans shall implement the trails identified on Schedule C, and the incorporation of additional on, and off-road cycling opportunities where appropriate.

As previously discussed, the subject lands are along the Waterfront Trail and Bike Network as shown on Schedule C of the Official Plan. The proposed development is supportive of this trail network system and promotes active transportation as it is directly connected. Pedestrian pathways also connect the development to Lake Street; interior sidewalk pathways promote and protect pedestrian

Section 6.0 Noise and Vibration Control

The goal of the section of policy is to reduce incompatibility of land uses and improve the quality of life of residents who reside near sources of noise and vibration.

The subject lands are in proximity of a water treatment facility located at 160 Lake Street. As such, the following policies are applicable.

Policy 6.4.1 All noise assessments are to be undertaken in accordance with the *Ministry of the Environment* noise assessment guidelines.

Policy 6.4.2 Submission of a noise impact study is required for sensitive developments within the influence area of stationary noise sources (e.g. industrial facilities, etc).



The concurrently submitted Noise and Odour Impact Studies propose several mitigation methods including 2.43-metre-high noise barrier walls and acoustical gating along Lake Street. It further recommends STC requirements for all windows, walls, and patio doors throughout the site development to be confirmed prior to issuance of building permits. Lastly, an appropriate warning clause should be inserted into all sales and rental agreements.

Section 7.0 Streetscape Design Policies

Section 7.0 of the Grimsby Official Plan considers the provision for an attractive streetscape throughout the Town of Grimsby.

Policy 7.1.4 New *developments* within the *built boundary* shall maintain existing street trees and maintain and enhance the existing pattern of landscaping, tree planting and lighting along the street.

Policy 7.1.5 Adjacent to parks, parkettes and natural areas, sidewalks and bike lanes shall provide a strong connection to the pedestrian and cycling networks within those areas.

Policy 7.1.6 All new *development* shall provide for coordinated tree planting within the street allowance and where setbacks permit within the front yard.

Within the development, a pedestrian-friendly streetscape design is proposed with internal condominium roads lined with sidewalks and street lighting. Landscaping along the road will include tree planting within most proposed lots along the right-of-way. A pedestrian pathway is proposed leading to the shoreline. Sidewalks connect to Lake Street which features pedestrian and bicycle networks. As per the concurrently submitted TPP and Landscape Plan, many of the existing trees along Lake Street and within the development will require removal to facilitate the new development. However, the proposed compensation plantings, as shown will help to improve the streetscape of Lake Street and offset the removals.

7.2 TOWN ARTERIAL AND COLLECTOR ROADS

Policy 7.2.2 Individual direct access to any *development* site shall be limited to minimize disruptions to traffic flow, maximize safety, and improve the attractiveness of the road.

As previously discussed, the proposed development provides two access points to the proposed dwellings from Lake Street onto a private condominium road. This reduces the impact of the intensification of the site in regard to traffic flow, safety and attractiveness of the road.

Policy 7.2.3 Buildings that abut Town Arterial or Collector Roads shall present a façade with architectural detailing and landscape features that address the road frontage. Reverse frontage *development* shall not be permitted adjacent to any Town Arterial or Collector Road.



The proposed development is compatible with surrounding developments along Lake Street. The current streetscape is characterized by dwellings that feature rear or flank yards adjacent to Lake Street. In addition, the proposed development will require noise barrier walls to be constructed along Lake Street to reduce noise conflicts that may arise from the existing Water Treatment facility.

In consideration of the above noted policies, the proposal conforms to the overall intent of the Town of Grimsby Official Plan. The subject lands are located within an appropriate context to accommodate the proposed intensification and redevelopment. The development is compatible with the surrounding neighbourhood and accordingly, the proposal to rezone the lands from Neighbourhood Development (ND) and Residential Detached 2 (RD2) Zones to a Multiple Residential 1 (RM1) Zone is appropriate. The proposal conforms to the Town of Grimsby Official Plan.

4.6 Town of Grimsby Zoning By-law No. 14-45

The subject lands comprise of multiple zones. The lands municipally known as 165 Lake Street are zoned Residential (RD2.35) as per Schedule 6-A of the Town of Grimsby Zoning By-law 14-45. This zoning currently permits single detached dwellings with a total lot coverage of 35%. The adjacent vacant parcel contained in the proposed development is currently zoned Neighbourhood Development (ND). This zone only permits existing bed and breakfast, group home, or single-detached dwelling uses.

As discussed above, the proposed Zoning By-law Amendment to facilitate the use of the subject lands as proposed will require the lands to be rezoned to a Multiple Residential 1 (RM1.xx/xx) Zone, Modified, to permit the proposed single-detached use and establish a number of site-specific standards for the proposed development. The proposed development proposes single and semi-detached dwelling types and as the RM1 Zone does not permit single-detached dwellings, and various modifications are proposed to give effect to the development concept shown on Appendix A.

A Zoning Table containing the specific standards to be modified are provided below. Further, the variances requested are discussed in detail below.

Section	Provision	Requirement	Proposed	Conforms
7.1.1	Permitted Uses	Back-to-back townhouse; block townhouse; boarding house; duplex; fourplex; group home; home occupation; secondary suite; semi-detached; stacked townhouse; street townhouse; triplex	Single- and semi-detached dwellings. Single-detached not permitted.	NO
7.2.1	Lot, Building, and Yard Requirements			
RM1	Min Lot Area	225m ²	Minimum 210m ²	NO
	Min Lot Coverage	40%	Max 53%	NO



Section	Provision	Requirement	Proposed	Conforms
	Min Lot Frontage	7.5 metres	8.4 metres	Yes
	Min Front Yard	4.5 metres	4.5m.0 metres	Yes
	Min Exterior Side Yard	4.5 metres	3.0m Unit 31 (0.9m)	NO
	Min Interior Side Yard	0.9 metres	0.9 metres	Yes
	Min Rear Yard	7.5 metres	6.0 metres	NO
	Max Building Depth	20 metres	14.50 metres	Yes
	Max Height	9 metres	10 metres	NO
5.0 - Parking and Loading Provisions				
5.1	Parking Req's	Residential dwelling unit = 2 spaces/ dwelling	2 spaces/ dwelling + 12 visitor spaces	Yes
5.6	Space & Aisle Size			
	Parking Space Size (90°)	2.75 x 5.75 metres	2.75 x 5.75 metres provided for driveway	Yes
	Aisle Width (90°)	6.0 metres	6.0 metres	Yes
5.13	Accessible Parking			
	a) 1 space/ 20 spaces	1 space	1 space	Yes
	b) Size	4.5 x 5.75 metres	4.9 x 5.75 metres	Yes
5.14	Garage Parking Size	2.9 x 6.0 metres	3.0 x 6.2 metres	Yes

The proposed modifications give effect to a development that is compact and efficient land use. The proposed zoning modifications ensure that adequate deference is given to adjacent land uses using setbacks. The proposed modifications also ensure that the existing naturalized environment is protected for the long term and that no development encroaches onto the sable slope setback. The proposed draft By-law is located in Appendix A to this report.

5 Supporting Technical Studies

In accordance with the Town of Grimsby Pre-Consultation Agreement, updated February 24, 2023, various technical studies are required in support of a complete application under the Planning Act. The findings of those studies are summarized below. For more detail, please refer to the original documents, submitted concurrently in support of the subject applications.

5.1 Landscaping Plan

A Landscape Plan is included was prepared by Landmark Architects and Consulting Arborists, dated March 2023. The purpose of this plan is to provide detail into the current landscaped conditions and provide a landscaping plan within the proposed development. This plan was in coordination with the concurrently submitted Environmental Impact Study/ Arborist Report and Tree Protection Plan.



The plan illustrates the proposed developments capacity for tree retention within the shoreline protection area, as well as compensation planting throughout the site. Larger tree plantings that include Bowhall Maple, Endowment Sugar Maple, Schubert Chokecherry, and Appalachian Red Redbud within each proposed residential dwellings front yard. Coniferous tree plantings include Moffett Juniper and Fat Albert Blue Spruce.

Smaller deciduous and evergreen shrubs are proposed along the southern property line and flankage yards of units 1, 6, 10, 11, 15, and 16. These plantings include several juniper and yew varieties, Red Chokeberry, Ruby Carousel Barberry, Dart's Gold Ninebark, and Gold Mound Spirea.

Further plantings proposed include perennials and grasses such as Sapphire Nule Oat Grass, Blue Angel Hosta, Variegated Maiden Grass, Catmint, and Standing Ovation Little Bluestem. Ultra Lawn Seed Mixture and Sod will fill the remaining yard space. Lastly, a "Creek Bank Native Seed Mix" is proposed in the 7.5-metre-setback located north of any residential development. This mixture includes Big Bluestem, Black Eyed Susan, Bottlebrush Grass, Fowl Manngrass, Fox Sedge, and New England Aster.

The plan also provides details for any proposed board fencing, acoustical fencing, aluminum fencing, granite screening pathway, bike racks and planting details for proposed trees and shrubs.

5.2 Arborist Report & Tree Protection Plan

An Arborist Report and Tree Protection Plan are included as part of the more fulsome Environmental Impact Statement. As outlined in Section 4 of the concurrently submitted EIS report, the subject lands lack significant woodlands or valley lands as defined by the PPS and Niagara Official Plan.

The study does conclude that there are "minimal opportunities to retain existing vegetation within the Study Area beyond the defined erosion hazard" and natural vegetation buffer proposed. Tree removal is required to facilitate the proposed development. However, as many of the designs are preliminary and will likely require revisions through the Site Plan Control stage, it is difficult to accurately provide a fulsome TPP.

Terrastory Environmental Consultants have prepared a Preliminary TPP to guide the project works and this plan estimates that a minimum of 127 trees (78%) require removal. Additional trees may be impacted pending final design plans.

Requirements of the Preliminary TPP must be implemented. Replacement of necessary tree removals is to occur consistent with relevant Town standards. All shared boundary trees to be impacted must secure approval from relevant property owners. The removal of any trees will need to be completed outside of the primary bird nesting seasons and active bat seasons (should be removed between September 1 to April 30). Bird-friendly designs should also be considered in detailed site plan design. Further, any landscape plans should incorporate native species. The adjacent property owners have been consulted respecting tree removals.



An updated and finalized Arborist Report and Tree Protection Plan will be prepared as a condition of subdivision approval.

5.3 Stage 1-2 Archaeological Assessments

A Stage 1-2 Archaeological Assessment was undertaken by New Era Archaeology which assesses the subject lands to determine if there is any archaeological significance and resources on site. If findings are reported in the Stage 1 Assessment research, then a Stage 2 Assessment is to be conducted.

The assessment was completed by conducting a field survey on site. Prior to the field visit, it was determined that the subject property had potential for both pre-contact and post-contact archaeological resources based on background research.

A test pit survey was conducted December 14th, 2021. This consisted of test pit survey intervals of five (5) metres and visual pedestrian survey of five (5) metre intervals along the shore.

This survey did recover one (1) Indigenous lithic artifact. The artifact recovered was a primary flake of Onondaga chert with no evidence of heat alteration. The primary flake is non-diagnostic; therefore, the cultural affiliation is indeterminate. The cultural heritage value or interest of the find was completely documented, and consequently it is recommended no further assessment is required.

5.4 Geotechnical Study

A Geotechnical Investigation was undertaken by Soil Engineers Ltd; dated August 2023. The purpose of this investigation is to identify the subsurface conditions and engineering properties of the disclosed soils for the design and construction of the proposed residential development.

The fieldwork conducted January 24 and 25, 2022, consisted of five (5) sampled boreholes extending to the depths of 6.6 to 12.7 metres. Following borehole drilling and sampling, a monitoring well was installed to facilitate groundwater monitoring for slope stability assessment.

The borehole findings indicate that beneath the topsoil veneer and/ or layer of earth fill, the site is underlain by a silt deposit overlying a layer of silty clay till. A layer of earth fill was contacted below the topsoil veneer, extending to depths up to 2.3 metres and consists of a mixture of sand and silt, occasional topsoil and organics.

Based on the findings, most of the in-situ soils are suitable for 95% or + Standard Proctor compaction. Where soils are too wet, soil aeration will be required. For reuse for structural backfilling, the existing earth fill should be segregated for the topsoil and deleterious material.

The boreholes were also checked for the presence of groundwater. Groundwater was recorded at the depths of 1.8 to 6.1 metres below the prevailing ground surface. Shallow groundwater was evident from the silt stratum.



The proposed structures can be supported on conventional spread and strip footings, founded onto the sound native soil or engineered fill. Basement floors of the proposed residences should be founded at a minimum separation of 1.0 metres above the highest recorded groundwater level. The perimeter walls of the basement structures should be damp-proofed and provided with perimeter subdrains.

Based on the soil profile and borehole findings, the silt deposit is saturated. Where excavation extending into the silt stratum, groundwater levels need to be lowered through dewatering.

For greater detail pertaining to the findings and recommendations, please see the submitted report.

5.5 Shoreline Hazard Assessment

A Shoreline Hazard Assessment was undertaken by Shoreplan Engineering Ltd, dated July 2023. This report assesses any natural hazards present on the subject lands and provides comments on how the hazard limits will affect development setbacks. This assessment considers the erosion and flooding hazards on the site as defined by Section 3.1 of the PPS (2020). Also under consideration are the policies, procedures, and guidelines of the Niagara Peninsula Conservation Authority.

The subject lands were visited by Shoreplan Engineering Ltd multiple times in preparation, along with aerial surveillance held on May 15, 2023. Photographs from the aerial survey are included in the assessment.

The assessment found no dynamic beach at the site, as the sand and gravel deposits do not meet the definitions of a dynamic beach. The top of bank was used to represent the flood hazard line, until further shore protection works are designed.

The erosions hazard consists of two components: an erosion allowance and a stable slope allowance. The erosions allowance is based on a 100-year time frame and is applied first so that the stable slope allowance can be applied from the point where the shoreline is expected to be in 100 years. The stable slope allowance is the product of the bluff height and the stable slope.

A new armour stone revetment with a 50-year design life is proposed to be designed and built along the shoreline of the property. With the protection works in place, the development can then encroach into the erosion hazard. With the fifty-year design life, the erosion hazard allowance would be reduced to one half. A 7.5 metre setback from the stable slope allowance is provided, as has a 5-metre-wide access along the northwestern limit of the site along the proposed club house.

5.6 Environmental Impact Statement

An Environmental Impact Statement (and Arborist Report) was prepared by Terrastory Environmental Consultants, dated August 2023. The purpose of the study is to present a biophysical characterization



of the site and adjacent lands to assess the potential for any adverse effects on the natural environment and natural heritage features stemming from development. The study is composed of five components including:

- Acquisition of background biophysical information and mapping
- Site assessments and ecological surveying
- Assessment of significance of biophysical information collected and features identified within the context of applicable policies.
- Prediction of development effects on the identified natural features and natural environment, particularly the net effects of development once mitigation and recommendations are implemented.
- Determination of proposed development's ability to address applicable natural heritage and environmental policies at all government levels.

Terrastory provides their acquired background information of the subject lands utilizing ortho-rectified aerial photography, natural feature mapping, physiographic resource mapping and datasets, and ecological resource mapping and datasets.

The site was then assessed and surveyed in fieldwork conducted primarily in 2022 and included breeding bird surveys, vascular plant survey and ecological land classification, tree inventory and conditions assessments, a leaf-off assessment of bat roosting habitat, and a bank swallow nesting survey and nest count.

Following background information and site surveys, Terrastory conducted a significance assessment to determine if the site contains any significant natural features as defined in the PPS and Official Plans. Based on this assessment, the site was found to contain significant wildlife habitat, habitat of endangered and threatened species, fish habitat, and conservation authority regulated features and hazard lands (steep slopes and shoreline).

The site is considered a significant wildlife habitat as a seasonal waterfowl stopover and staging area, and a habitat of a species of special concern and rare wildlife (monarch butterfly). The site is also the habitat and nesting area for the threatened bank swallow. The site is also a potential roosting area for two endangered bat species. Further, Lake Ontario is considered a significant fish habitat. The site also abuts the Lake Ontario shoreline, and as such, the Niagara Peninsula Conservation Authority (NPCA) regulates development and site alteration within the predicted long-term stable top of slope (LTSTOS) and 100-year flood level. The site's LTSTOS has been determined by the geotechnical and slope stability report also submitted with this application.

The study provides numerous mitigative measures to support the development leading to no net-negative impacts stemming from development of the lands. These measures can be found in detail within the report but includes (amongst other items) the implementation of erosion and sediment control measures, securement of an Overall Benefit permit under the Endangered Species Act to address long-term loss of Bank Swallow nesting habitat, submission of the shoreline protection works



to DFO for review under the Fisheries Act, and finalization of the Arborist Report/Tree Protection Plan at detailed design.

The report concludes that technical recommendations are to be incorporated into any necessary development approval that permit the application.

5.7 Functional Servicing & Stormwater Management Report / Grading and Servicing Plan

A Functional Servicing Report (FSR), including Water and Sanitary Service Plans, Pre- and Post-Development Storm Drainage Plans, Preliminary Grading Plan, and Environmental Protection Plan (Erosion and Sediment Control Plan), was prepared by Pearson Engineering Ltd, dated September 2023. The FSR assesses the existing municipal infrastructure in the vicinity of the proposed development, the proposed stormwater management facilities, and the internal servicing required to support the proposed 31-unit development and clubhouse. The design population was calculated at 2.47 people per unit, which equaled an estimate of 80 people for the proposed development.

The FSR utilizes the MECP Design Guidelines for Sewage Works and Drinking-Water Systems (2008) the MECP Design Guidelines for Stormwater Management Planning and Design Manual (2002), The Niagara Region, Water – Wastewater Project Design Manual, 2019, and the Niagara Region, Water & Wastewater Master Servicing Plan.

The Project is proposed to be serviced by connecting a proposed 150 mm watermain to the existing 300 mm watermain located on the north side of Lake Street. The proposed 150 mm watermain will extend through the Project site; each unit will receive individual water service and internal hydrants are proposed as per Town Standards. The available flow meets the required fire flow as per Regional requirements.

Utilizing the design criteria listed above, the FSR calculates a Peak Flow of 1.02 L/s. The peak flow including an infiltration allowance of 0.286 L/s/ha was calculated to be 1.38 L/s. *“The proposed 200 mm internal sanitary sewer will convey flow to an existing 750 mm diameter sanitary sewer on Lake Street which has a capacity of 738.5 L/s at 0.44% slope. The proposed peak flow is approximately 0.19% of the pipe capacity therefore the existing 750 mm diameter sanitary sewer is sufficient to convey the sanitary design flows (Pearson Engineering).”*

Section 6 of the report pertains to Stormwater Management. Within this section the design analysis, existing drainage conditions, proposed drainage conditions, quantity control, and described.

The current conditions have most of the subject lands draining toward an existing drainage channel that bisects the western half of the lands and outlets to the top of an embankment on the north side and ultimately to Lake Ontario. The existing conditions also takes the concurrently submitted Geotechnical Report into consideration.



The post development drainage will generally follow the pre-development conditions, with most of the site draining by overland flow to a catch basin and storm sewer system. This will convey through an oil-grit-separator (OGS) before out letting to Lake Ontario. The proposed development will increase the imperviousness of the site and as such the post-development peak flows will increase. The calculated pre-development runoff coefficient is 0.20 and the post-development runoff coefficient is 0.55. *“As the site outlets directly to Lake Ontario and safe conveyance of the uncontrolled storm flows from the site will not have any negative downstream impacts, no on-site quantity control is provided (Pearson Engineering).”*

To provide permanent quality control of the stormwater flows Pearson Engineering has proposed a treatment train approach to maximize Total Suspended Solids removal. Stormwater will drain to catch basins that include sumps to settle larger sediment. The site will ultimately through an OGS that will provide a minimum 80% removal before out letting to Lake Ontario.

The preliminary grading plan provided within the FSR generally has storm runoff to the northwest corner of the subject lands at an average grade of 1 to 3%, allowing most of the site to be conveyed to the proposed sewer and swale. Lots are generally graded within rear-to-front designs and are self contained where possible.

The report concludes that the project can be sufficiently serviced, and stormwater management will safely direct storm flows while providing an enhanced level quality control.

5.8 Noise Study

A Noise Impact Study was undertaken by dBA Acoustical Consultants Inc, dated July 2022. The purpose of the study is to determine the noise impact from the QEW and Lake Street vehicular traffic as well as Baker Road Wastewater Treatment Plant, located across from the subject lands. This study details noise impact relative to the site plan and recommends noise control measures to meet MECP NPC-300 guidelines. Vibration was not considered as there are no heavy industrial operations in the proposed development.

Calculated road noise levels for the rear yard amenity areas exceed the 55 dBA daytime criteria and will require a 2.43 noise barrier for noise mitigation measures with a minimum density of 20 kg/m² and designed and built with no cracks or gaps.

Further, calculated nighttime road noise level at the Plane of Window (POW) for all dwellings exceed the 50 dBA criteria for indoor spaces. Specific building components are required and confirmed using the STC method. All windows throughout the residential development should have the same STC value as it is cost efficient and less likely to result in installation error. It is also recommended that all residential dwellings proposed have Central Air Conditioning units installed along with appropriate warning clauses.



An on-site visit was conducted on June 28th, 2022, to obtain noise levels generated from the Wastewater Treatment Plant. The facility has a MECP Certificate of Air and Noise in place to ensure all noise levels generated from the site comply with the MECP noise certificate. The on-site visit involved six (6) hours of surveillance and the plant did not generate any noise during the this time. The only noise involved waste trucks periodically entering and leaving the site. The predominant noise source at the facility was the QEW traffic noise.

Final recommendations include the following:

- STC requirements for window, walls, and any patio doors throughout the site development to be confirmed prior to issuance of a building permit,
- Appropriate Warning Clauses be inserted into all sales and rental agreements.
- Lots 1, 2, 7, 8, 12, 13, 17, & 18, requires a 2.43m noise barrier.

For further details please see the submitted Noise Study included in the applications' submission package.

5.9 Odour Impact Assessment

A Land Use Compatibility: Odour Assessment was prepared by Independent Environmental Consultants, concurrently submitted and dated May 2023. This report identifies and evaluates the options, where required, to achieve land use compatibility through appropriate design, buffering, and separation distances between proposed sensitive land uses and institutional, utility, and industrial or commercial uses.

The report utilizes several documents to consider the proposed development, as it relates to potential odour impacts, including:

- The PPS
- Growth Plan for the Greater Golden Horseshoe
- MEDP land use compatibility guidelines (D-Series)
- Environmental Protection Act
- MECP odour assessment guidance

A site visit was completed in November 2022, to identify sources of odour emissions in the area and identify other sensitive land uses in proximity to the subject lands. There were no odours detected at the subject lands, around the perimeter of the wastewater treatment plant, or within the broader community at the time of the site visit.

A Freedom of Information Request was made to access and odour complaints specific to the wastewater treatment plant. Five (5) complaints were filed in the area, none of which were attributed to the treatment plant itself. This plant further employs multiple odour control systems and management measures to control odour emissions.



The final recommendations note that the development is expected to be compatible with the surrounding land uses from an odour perspective, given the limited number of historical complaints, the prevailing wind directions, the existing residential zoning and separation distances associated with the plants. It does make a recommendation to include a warning clause to be added in offers of purchase and sale, lease agreements, and condominium declarations stating the presence of the treatment plant.

For greater detail, please see the submitted assessment included with the application submission.

5.10 Phase I Environmental Site Assessment (ESA)

A Phase One Environmental Site Assessment (ESA) was prepared by Soil Engineers Ltd, dated April 2022. The purpose of the study is to identify any potential environmental concerns associated with the subject lands. The assessment includes research of documents pertaining to the subject lands, interview with persons knowledgeable of the subject lands, and environmental site reconnaissance.

The Phase One ESA revealed several items of environmental concern including:

- Potential use of pesticides during historical agricultural activities at majority of the site;
- Historical existence of heating oil above ground storage tank (AST) on the subject site;
- Presence of fill material of unknown quality;
- One outdoor fire pit is located in the approximate middle of site.

A Phase Two ESA is recommended to be conducted in order to support the proposed development. This is proposed to be submitted along with a future Site Plan and Draft Plan of Condominium application.

6 Public Consultation Strategy

In accordance with Section 31.1 within Schedule A of recently amended Ontario Regulation 545/06 Zoning By-laws, Holding By-laws and Interim Control By-laws and Section 26.1 with Schedule 1 of recently amended Ontario Regulation 543/06 Official Plans and Plan Amendments, “a proposed strategy for consulting with the public with respect to the application” is considered “prescribed information” to be provided as part of applications to amend a Zoning By-law or an Official Plan. The following discusses the Public Consultation Strategy for this application.

A public open house will be organized to provide information to the public and to generate valuable feedback from stakeholders in accordance with the Town’s Public Consultation Strategy Guidelines. Invitations will be sent out to stakeholders within ±120 metres of the proposed development unless an alternative invitation radius is suggested by Town Staff or the Ward Councillor. The date and time of the open house will be determined in coordination with the Ward Councillor and Town Staff. The necessary materials will be provided to Town Staff in conjunction with the requirements of the Town’s Public Consultation Strategy Guidelines, at the appropriate juncture.



In accordance with Ontario Regulations 545/06 and 543/06 and Sections 22 and 34 of the Planning Act, landowners within 120 metres of the subject lands will receive notice that Official Plan Amendment and Zoning By-law Amendment applications have been received by the Town and to inform them that the required public meeting has been scheduled. These notices will advise those circulated that information and materials relating to the proposed development is available for their review and will invite them to make comments and present their views prior to, and at the public hearing.

Further, prior to application submission, the proponent has contacted and discussed the development with the adjacent neighbours located immediately east of the subject lands.

We trust this Public Consultation Strategy is adequate and will satisfy the requisite Public Consultation Strategy submission for the proposed development. We look forward to further discussing the details within the Public Consultation Strategy with Town Staff at the appropriate juncture.

7 Conclusions & Planning Opinion

The proposed development complies with, conforms to, and is consistent with the intent and direction provided in the applicable provincial and municipal land use planning documents. The recommendations and conclusions of this report concerning the proposed development are as follows:

- The proposed amendment to the Town of Grimsby Official Plan is consistent with the policies of the Provincial Policy Statement and conforms to the Growth Plan.
- The proposed development will result in a greater diversity of housing typologies and densities within the area, consistent with Provincial and Municipal policy direction.
- The site is appropriately located within a stable neighbourhood and adjacent to an active transportation trail network and in proximity to multiple public facilities.
- The proposed development is compatible with the surrounding development patterns respecting setbacks, massing, and built form.
- The proposed development is supportive of creating complete communities that feature a diversity of housing options, compact built forms, communal amenity areas, and connections to the broader neighbourhood.
- The proposed development will ensure protective development of the bank swallow nesting area, providing an Overall Benefit to the habitat. The Lake Ontario shoreline will also be protected through a natural vegetative buffer. A concurrent Overall Benefit Permit has been applied for with the MECP.
- Natural Erosion Hazards will be mitigated through the proposed revetment wall, ensuring safe development to facilitate housing.

The policy discussion above, when considered jointly with the findings of the various technical studies prepared by others, confirms that the approval of the proposed amendments to the Urban Grimsby



Official Plan and former Town of Grimsby Zoning By-law No.05-200 implements the general intent of the relevant provincial and municipal land use policy structure. The proposed development represents good planning and should be approved.

Prepared by:

James Thomas
Planner

A. J. Clarke and Associates Ltd.

Reviewed by:

Ryan Ferrari, MCIP, RPP
Senior Planner

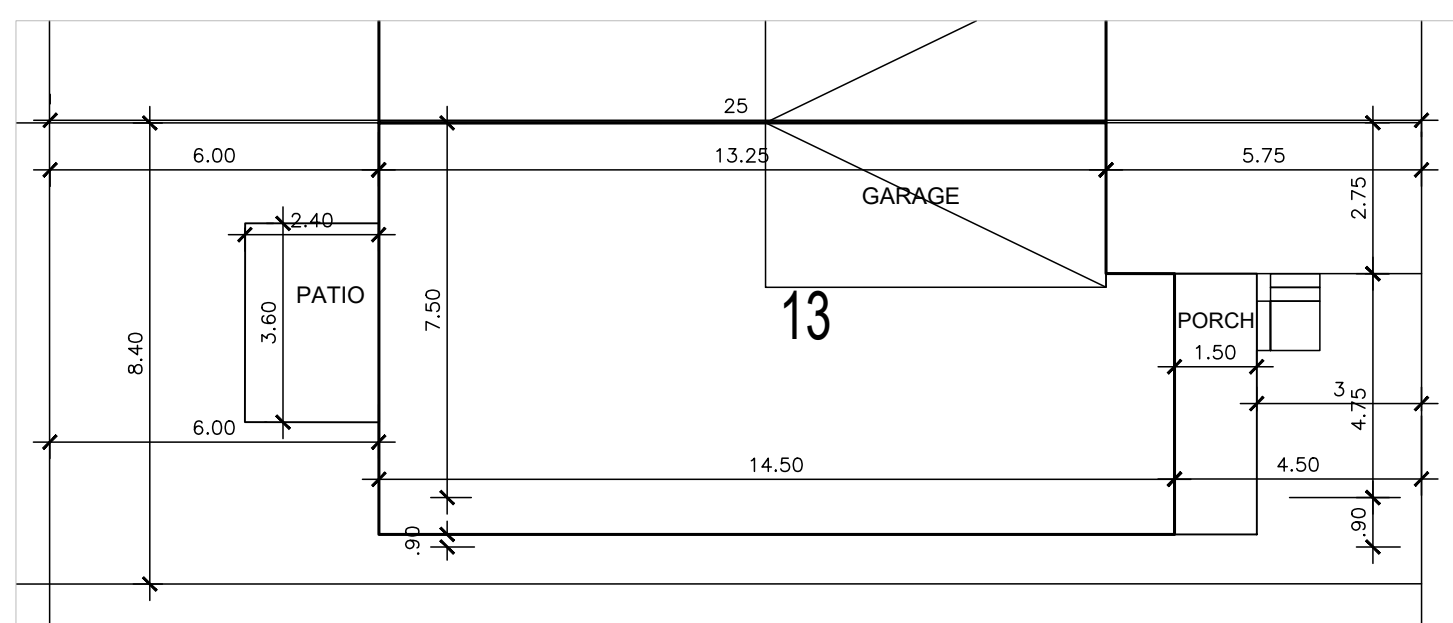
A. J. Clarke and Associates Ltd.



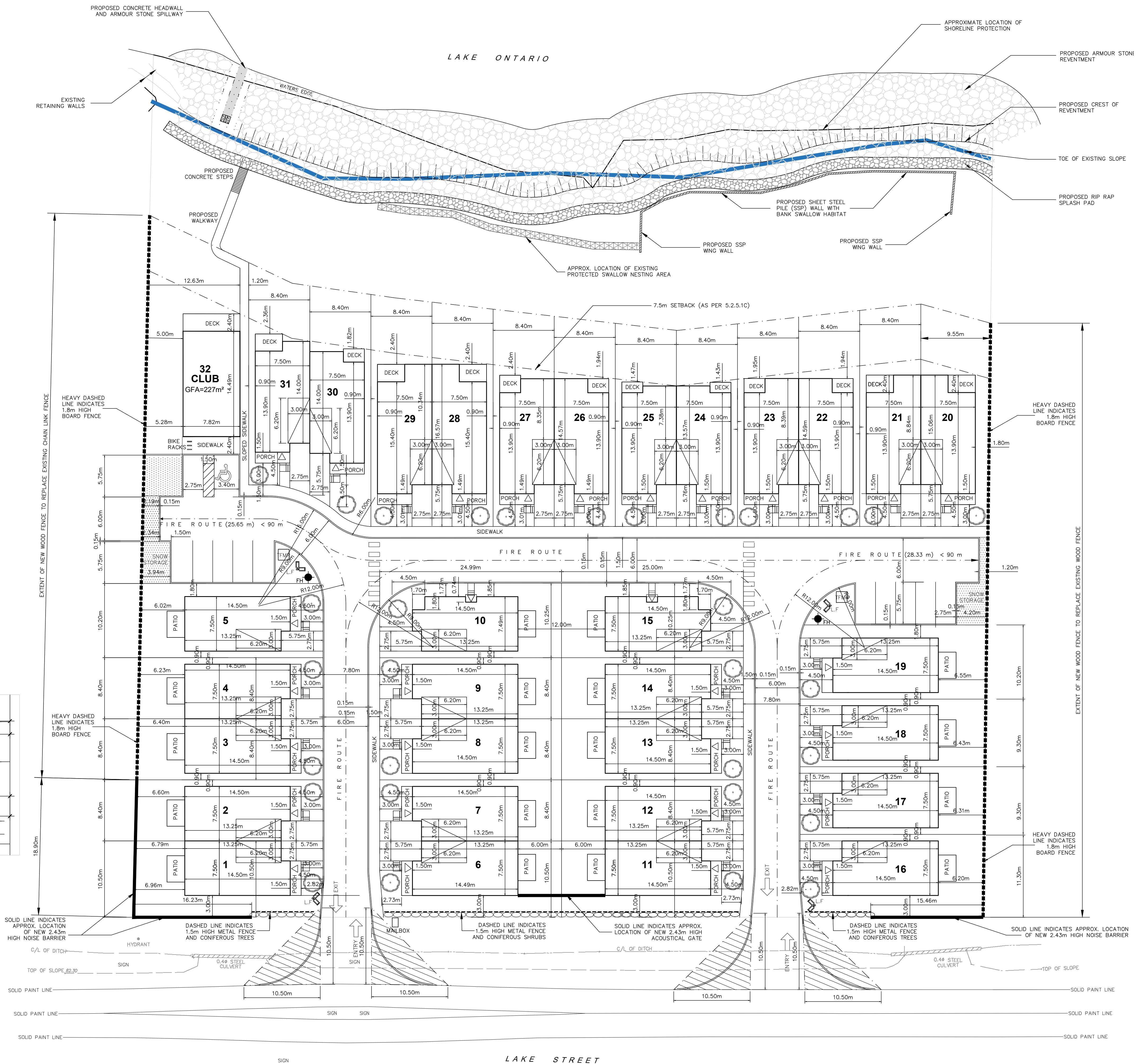
Appendix A

Concept Plan

Zone Matrix 165 Lake Street / Sophies Landing Grimsby		
	Zone Provisions	Proposed
Permitted Uses	Single Detached Dwelling Semi-Detached Dwelling 1 Accessory Amenity Building	
Min. Lot Area	300 m ² per POTL	Min Lot Size 210 m ² Total Lot Area = 7,865.96 m ²
Min. Lot Frontage	9.0 meters	8.4 meters for interior units 10.25 meters for ext. units
Max. Lot Coverage (includes porches and waterfront decks)	40%	30% (3,741.47 m ²) Site Area (12,631.44 m ²)
Asphalt Area		Asphalt = 1514.64 m ²
Setback from Hazard Zone Overlay	Min. 7.5 meters	7.5 meters
Front Yards	Min. 4.5 meters	2.72 meters (to porch) 4.5 meters (to bldg)
Min. Interior Yards	Min. 1.2 and .6 meters	.9 meters / 1.8 meters from adjacent bldgs
Min. Exterior Yards	Min. 2.6 meters	1.8 meters
Min. Rear Yards	Min. 7.5 meters	6.0 meters
Building Height	Max. 9.0 meters	10 meters
Min. Landscaped Open Space per POTL	N/A	35% per POTL (Based on Lot 13)
Max. Fence Height	N/A	1.8 meters
Min. Parking Spaces	62 spaces (2 per Residential Unit)	62 spaces + 12 visitor spaces (1 barrier free)
Min. Parking Space dimensions	2.75m x 5.75m	2.75m x 5.75m Garages 2.90m x 6.00m
Min. Visitor Parking Spaces	16 spaces (5 per Residential Unit)	12 spaces (4 per Residential Unit) Inclusive of Barrier Free
Min. Barrier Free Parking Spaces	1 space (1 per 20 visitor spaces)	1 space (1 per 20 visitor spaces) 1 Type A space 3.4m x 5.75m plus 1.5m aisle
Min. Aisle Width	6 meters	6 meters
Min. Bicycle Parking Spaces	N/A	3 spaces
Deck Setback in rear yard (waterfront lots)	7.5 meters	7.5 meters Decks may encroach into the required rear yard by 2.5 meters
Sight Triangles	10.5 meters x 10.5 meters	10.5 meters x 10.5 meters



TYPICAL SITE PLAN (SMALLEST LOT)



This drawing, as an instrument of service, is provided by and is the property of STUDIO C2. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify the company of any variations from the supplied information. The company is not responsible for the accuracy of survey, structural, mechanical, electrical, etc., information shown on this drawing. Refer to the appropriate consultant's drawing. Construction must conform to all applicable codes and requirements of authorities having jurisdiction. The contractor working from drawings specifically marked 'For Construction' must assume full responsibility and bear costs for any corrections or damages resulting from this work.

REV.	DESCRIPTION	DATE
3	Zoning By-Law Amendment & Draft Plan of Subdivision	11/09/23
2	Site Plan Design	22/03/23
1	Site Plan Design	11/02/23

GENERAL NOTES

NORTH

STUDIO C2

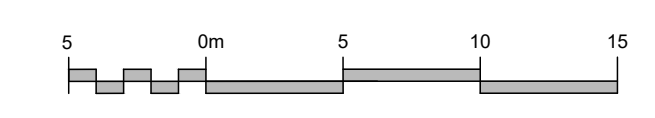
t: 416.524-3880 e: studioc2@gmail.com

CLIENT
Sophies Landing Grimsby Inc
88 Bloor St. E.
Toronto, ON, M4W 3G9
t: 416.449.8800 e: sam@sophieslanding.ca

PROJECT
Sophies Landing Grimsby
165 Lake St.
Grimsby, ON

TITLE
Site Plan

CHECKED BY	ARC	DATE	22/08/2020
DRAWN BY	ACAD	SCALE	1:200
PROJECT No.	2211	PAGE No.	SP1





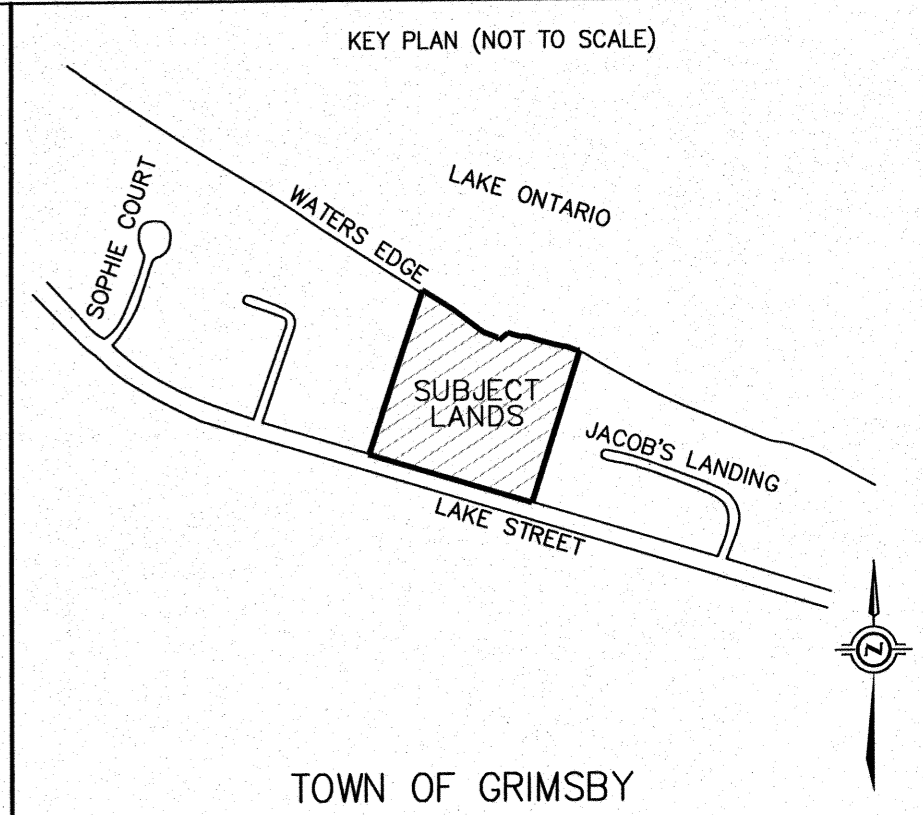
Appendix B

Draft Plan of Subdivision

PARTS 2
PLAN 30R-7908
SUBJECT TO EASEMENT
AS IN INSTR. No. R0684373

PART 7,
PLAN 30R-1786
CLOSED BY BY-LAW 77-15 INSTR. No. R0367186

LAKE ONTARIO
ROAD ALLOWANCE BETWEEN
CONCESSION BROKEN FRONT & CONCESSION 1



ADDITIONAL INFORMATION REQUIRED UNDER
SECTION 51(17) OF THE PLANNING ACT

- (A)-AS SHOWN ON DRAFT PLAN
- (B)-AS SHOWN ON DRAFT PLAN
- (C)-AS SHOWN ON DRAFT AND KEY PLANS
- (D)-PROPOSED RESIDENTIAL DEVELOPMENT (WILL BE 32 DWELLINGS AND 44 PARKING UNITS)
- (E)-AS SHOWN ON DRAFT PLAN
- (F)-AS SHOWN ON DRAFT PLAN
- (G)-AS SHOWN ON DRAFT PLAN
- (H)-MUNICIPAL
- (I)-CLAY LOAM
- (J)-LAND IS GENERALLY FLAT
- (K)-ALL MUNICIPAL SERVICES AVAILABLE
- (L)-NONE

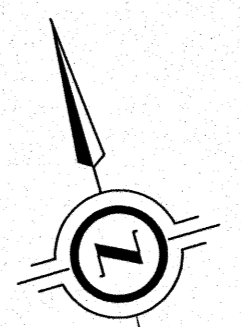
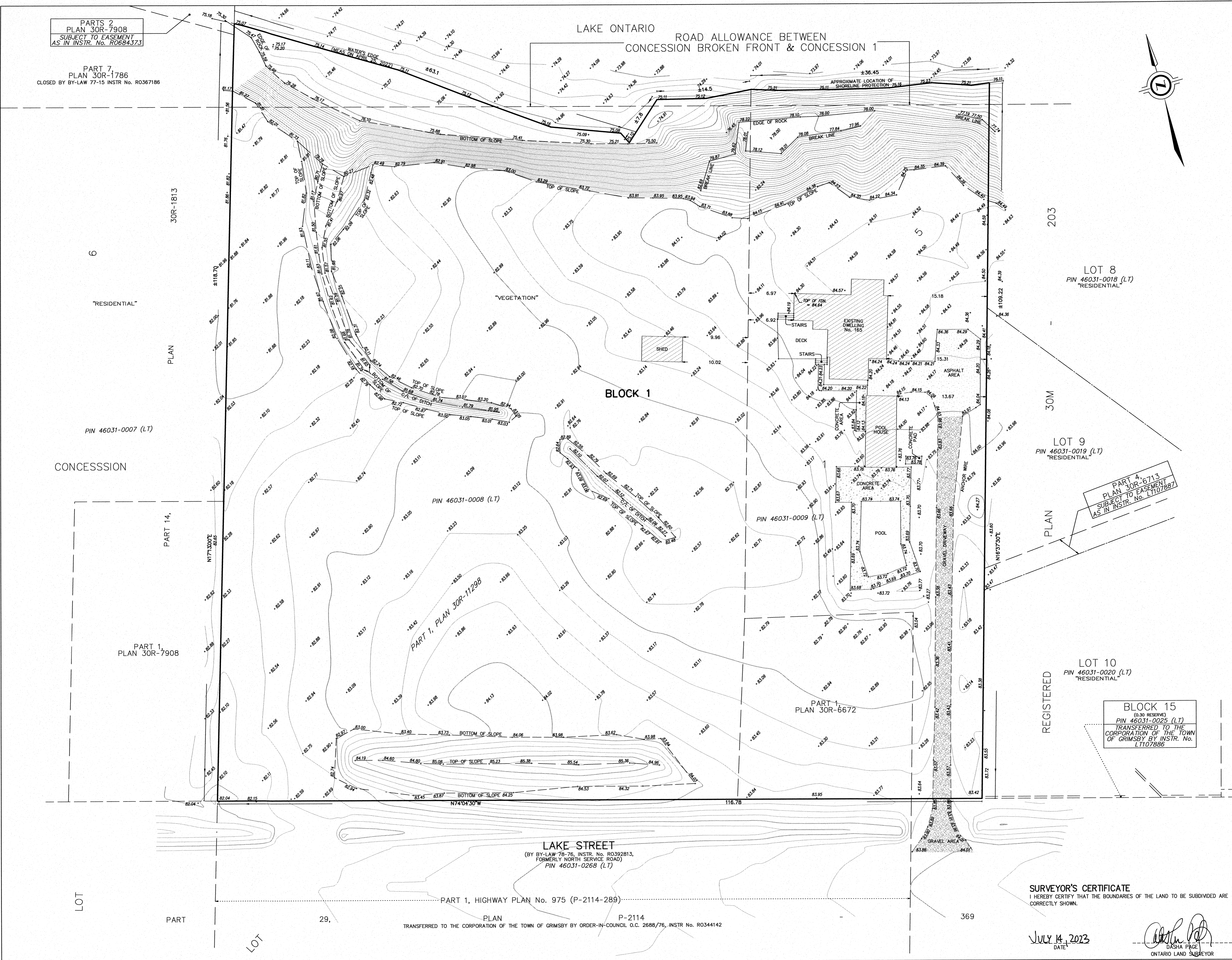
DRAFT PLAN OF SUBDIVISION OF
**PART OF LOT 5,
CONCESSION 1
AND
PART OF ROAD ALLOWANCE BETWEEN
CONCESSION BROKEN FRONT &
CONCESSION 1**

GEOGRAPHIC TOWNSHIP OF NORTH GRIMSBY
NOW IN THE
TOWN OF GRIMSBY
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 250

J.D. BARNES LIMITED

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



PART 4,
PLAN 30R-6713
SUBJECT TO EASEMENT
AS IN INSTR. No. L1107887

BLOCK 15
(0.30 RESERVE)
PIN 46031-0025 (LT)
TRANSFERRED TO THE
CORPORATION OF THE TOWN
OF GRIMSBY BY INSTR. No.
L1107886

LAKE STREET
(BY BY-LAW 78-76, INSTR. No. R0392813,
FORMERLY NORTH SERVICE ROAD)
PIN 46031-0268 (LT)

PART 1, HIGHWAY PLAN No. 975 (P-2114-289)
PLAN P-2114
TRANSFERRED TO THE CORPORATION OF THE TOWN OF GRIMSBY BY ORDER-IN-COUNCIL O.C. 2688/76, INSTR. No. R0344142

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

JULY 14, 2023
DATE

[Signature]
DASHA PAGE
ONTARIO LAND SURVEYOR

OWNER'S CERTIFICATE
I HEREBY AUTHORIZE J.D. BARNES LIMITED TO SUBMIT THIS PLAN TO THE
TOWN OF GRIMSBY FOR THEIR APPROVAL.

DATE _____ SAM KERZNER
(I HAVE THE AUTHORITY TO BIND THE CORPORATION)
SOPHIE'S LANDING GRIMSBY INC.

J.D. BARNES LIMITED
SURVEYING
MAPPING
GIS
LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

DRAWN BY: JN CHECKED BY: DP REFERENCE NO.: 21-16-357-01
FILE: G:\2021\21-16-357\01\Drawings\21-16-357-00-DRAFT SUB.dwg

PLOTTED: 7/14/2023



Appendix C

Draft Zoning By-law Amendment

THE CORPORATION OF THE TOWN OF GRIMSBY
BY-LAW NO. 23-XX
A BY-LAW TO AMEND BY-LAW NO. 14-45, AS AMENDED
(165 Lake Street)

Whereas the Council of the Corporation of the Town of Grimsby deems it expedient to amend Zoning By-law No. 14-45, as amended;

Therefore, the Council of the Corporation of the Town of Grimsby enacts as follows:

1. Schedule 6-A of By-Law 14-45, as amended, is hereby further amended by changing the zoning of the lands shown on Schedule 'A' to this By-law as:
 - a. Area 'A' from Residential Detached 2 (RD2.35) Zone, and Neighborhood Development (ND) Zone to Multiple Residential 1 Zone "RM1.XXX" Zone with exceptions.
2. Schedule 6-A of By-law No.14-45, as amended, is hereby further amended by adding exception XYZ to the lands identified on Schedule 'A' to this By-law.
3. Table 12: Permitted Use, Lot Building and Structure Exceptions of Section 7.0 Residential Zones of By-law 14-45, as amended, is hereby further amended by adding the rows identified on Table 'A' of this by-law.

Read a first time, considered, and passed this Xth day of _____, 2023.

J.A. Jordan, Mayor

B. Nistico-Dunk, Town Clerk

Schedule 'A'

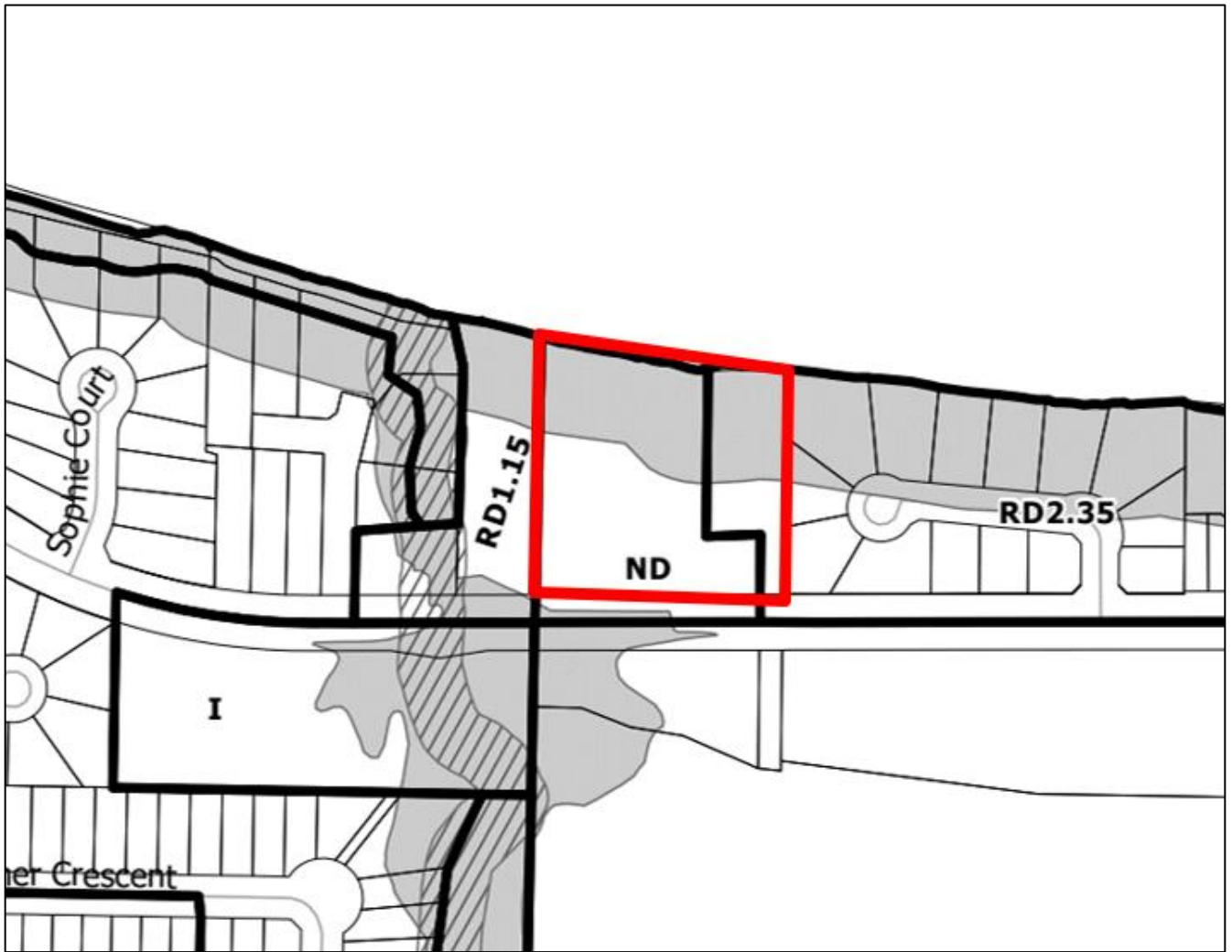


Table 'A' to By-Law 23-XX

Site Sp. #	By-law #	Address	Zone	Additional Permitted Uses	Lot, Building and Structure Exception
XYZ	24-XX	165 Lake Street	RM1	<p>To permit single detached dwellings.</p> <p>To permit one Accessory Amenity Building with a maximum GFA of 227m².</p>	<ul style="list-style-type: none"> • Maximum Building Height 10m • Minimum Lot Area 12,631m² • Minimum Lot Frontage 116m • Minimum Lot Area (for a Parcel of Tied Land) 210 m² • Minimum Lot Frontage (for any parcel of tied land) 8.4m • Maximum Lot Coverage 30% • Minimum Front Yard 4.5 metres • Minimum Side Yard 0.9 metres • Minimum Rear Yard 6.0 metres • Notwithstanding the provisions of Section 4.18, Table 2, an accessory amenity building will be permitted to have a height of 10 metres. • Minimum setback for a Parking Lot from a Residential Zone 2.1m