

B1.6.13.1 Consents

Subdivision of land shall generally take place by plan of subdivision. Consents shall only be permitted for technical or legal purposes; or, where the municipality is satisfied that the consent will not prejudice the ultimate subdivision of land or the principles set out in the Official Plan or this Secondary Plan.

B1.6.14 Interpretation

- a) This Secondary Plan is a statement of municipal policy. It is intended as a guide to the development of the Secondary Plan Area. Some flexibility in interpretation is permitted without the need for an Official Plan Amendment, provided the general intent of the policies and principles of this Plan are maintained;
- b) Development within the community shall be subject to all the policies of this Secondary Plan and any applicable policies of the parent Official Plan. However, where there is a conflict between this Secondary Plan and the parent Official Plan, the policies of this Secondary Plan shall apply;
- c) The designations identified on Schedule A3 are intended to show general areas and the boundaries are flexible and may vary without an Official Plan Amendment, except where designations are established by fixed boundaries such as existing roads or where specifically stated to be fixed in the policies of this Secondary Plan;
- d) Where lists or examples of permitted uses are provided, they are intended to indicate the possible range and type of uses that are to be considered. Specific uses not listed, but considered by the Town to be similar to the listed uses and to conform to the general intent of the applicable land use designation may be recognized as a permitted use; and,
- e) Minor variations from numerical requirements in this Secondary Plan may be permitted without an Official Plan Amendment provided that the general intent of this Secondary Plan is maintained.

B1.7 EAST FONTHILL SECONDARY PLAN

B1.7.1 Introduction

- a) The lands subject to this Section of the Official Plan are identified on Schedule A4, Schedule A5 and Schedule A6, which are attached hereto and form part of this Official Plan;
- b) In addition to the identified Schedules and the following text, this Secondary Plan also includes the following appendices:
 - i) Appendix A – The Demonstration Plans;
 - ii) Appendix B – The Urban Design Guidelines;
 - iii) Appendix C – Environmental Features Mapping; and,
 - iv) Appendix D – Development Yield/Density Calculations.
- c) The purpose of this Section of the Official Plan – The East Fonthill Secondary Plan is to provide policies for a comprehensively planned community structure that protects

natural heritage features and supports the existing Town Centre; one that is principled on Smart Growth, recognizes and responds to the policy initiatives of the Niagara of Region and the Province of Ontario while establishing a comfortable and attractive community with a full range of housing types and commercial and community facilities. It is expected that this Plan will be substantially built-out by the year 2031; and,

- d) The East Fonthill Secondary Plan has been prepared in conjunction with the Official Plan of the Town of Pelham. Unless otherwise specifically identified, all of the policies of the Official Plan apply to this Secondary Plan. Where there is a conflict between the policies of this Secondary Plan and any other policies of this Official Plan, the policies of this Secondary Plan shall apply.

B1.7.2 Community Structure

- a) Schedule A4 identifies the planned community structure. The community structure is comprised of the following elements:
 - i) *Four Residential Neighbourhoods* – Four Residential Neighbourhoods are identified. Each of these Neighbourhoods is planned to contribute to the overall housing mix and density targets of the community. Policies permit the introduction of neighbourhood-serving retail commercial and institutional land uses within each neighbourhood;
 - ii) *The Commercial/Employment Centre* – The Commercial/Employment Centre is expected to develop as a mixed-use community with a major retail centre and a full range of employment and commercial uses, higher density residential uses and/or institutional uses and community facilities; and,
 - iii) *The Greenlands System* – The Greenlands system includes linked natural heritage features, public parks, trails and stormwater management facilities. This system provides the overall structure of the Plan, and articulates the locations of the other elements of the community structure.
- b) Schedule A4 also indicates that the East Fonthill Secondary Plan Area includes lands within the “built boundary” and in “greenfield” areas. This is an important distinction because:
 - i) Lands within greenfield areas are subject to the Provincial minimum gross density requirement of 50 people and jobs per hectare, while lands within the built boundary are not subject to this requirement; and,
 - ii) In relation to growth management for the Town of Pelham, the growth allocation for lands within the built boundary are derived from the intensification category, while the growth allocation for greenfield lands comes from the greenfield category.

In an effort to establish an appropriate land use distribution and development pattern, the approach taken to preparing this Secondary Plan has been to achieve the minimum gross density of 50 people and jobs per hectare overall across the entire Secondary Plan Area.

The phasing of development in both “intensification” and “greenfield” categories is addressed to ensure the Plan meets the policies of Province and the Region.

B1.7.3 Plan Objectives

B1.7.3.1 General Development Objectives

These development objectives provide the framework for planning and development within the Secondary Plan Area by both the public and private sectors. The objectives will be implemented by the mechanisms set out in this Plan, including the implementing Zoning By-law and Site Plan Approvals.

The development objectives of this Plan are:

- a) To ensure that the community is developed with a compact urban form and at an appropriate scale that is pedestrian-oriented and fosters community interaction;
- b) To ensure a well-designed, attractive, pedestrian-and bicycle-friendly community that includes an appropriate mixture of housing types, as well as locally focused retail/commercial uses and places of worship;
- c) To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;
- d) To create a complete community with a safe, healthy and functional environment that can accommodate between 6,500 and 7,500 new residents and jobs combined;
- e) To require that both the intensification and greenfield components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare;
- f) To provide a land use and community structure that supports the existing historic downtown and associated Town Centre of Fonthill;
- g) To provide for significant retail commercial development within the Secondary Plan Area, while, at the same time protecting the planned function of the historic downtown;
- h) To provide a connected Greenlands System that comprises natural features, stormwater management facilities, streets, and varying sizes of public parks and parkettes. The integrated open space system shall provide access to the Steve Bauer Trail while also providing opportunities for exposure to the environmental assets of the community, while ensuring the conservation and enhancement of significant natural features;
- i) To ensure the Rose Little Woodlot and Kunda Park Forest will continue to be protected and that other significant natural heritage features and their functions are appropriately conserved and enhanced;
- j) To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces, capable of performing a supporting role to the open space network;
- k) To develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;

- l) To provide a hierarchy of collector and local roads that is based on a connected modified grid network that accommodates all modes of travel and that reflects and responds to the natural features of the community;
- m) To ensure that all new development occurs on the basis of full urban water and sanitary sewer facilities, as well as adequate utility networks;
- n) To ensure that stormwater management facilities are designed as special features and part of the overall Greenlands System;
- o) To phase development in a logical and cost effective manner, without any undue financial burden on the existing taxpayers of the Town of Pelham; and,
- p) To ensure that benefiting development interests and/or landowners are bound financially through appropriate mechanisms, and are committed to ensuring that the required service infrastructure and community structure elements are put in place in advance of, or concurrent with the commencement of development.

B1.7.3.2 Affordable Housing

- a) It is the objective of this Plan that a minimum 25% of all new residential development within the East Fonthill Secondary Plan Area meet the Provincial definition of affordable housing. Affordable housing may be achieved by:
 - i) Promoting higher density housing forms, where housing is more affordable due to the reduced per unit land costs;
 - ii) Building smaller units, where housing is more affordable due to lower development and/or redevelopment costs;
 - iii) Applying government grants and/or subsidies, including land dedication, that will reduce overall development costs;
 - iv) Waiving or reducing municipal permit fees, taxes and/or development fees; and,
 - v) Encouraging the development of accessory apartments/secondary suites.
- b) The Town will work with other government agencies and the private sector, to promote innovative housing forms, development techniques, and incentives that will facilitate the provision of affordable housing; and,
- c) Affordable housing will be encouraged to locate in proximity to local community facilities and existing or potential public transit routes and active transportation facilities.

B1.7.4 Design Policies

B1.7.4.1 Demonstration Plans

- a) Demonstration Plans have been prepared and are attached to this Plan as Appendix A. The Demonstration Plans articulate a response to the policies of this Plan and the associated Urban Design Guidelines. They provide a detailed land use distribution and road pattern, as well as defining an open space and trails network;

- b) The Demonstration Plans are intended to act as a guideline for successive development and approval processes that are required to implement this Plan, particularly zoning, required Master Plans and Draft Plans of Subdivision/Condominium; and,
- c) All development within the East Fonthill Secondary Plan Area shall be generally consistent with the Demonstration Plans attached to this Plan as Appendix A. Adjustments and further refinements to the Demonstration Plans are anticipated and shall not require an Amendment to this Plan, provided that the intent and general design approach inherent to the Demonstration Plans are achieved to the satisfaction of the Town.

B1.7.4.2 Urban Design Guidelines

- a) This Plan includes Urban Design Guidelines, which are attached as Appendix B. The intent of the Urban Design Guidelines is to promote an appropriate built form and public realm within the Secondary Plan Area. The Urban Design Guidelines function as an implementation tool for successive development and approval processes that are required to implement this Plan, particularly zoning, required Master Plans and Draft Plans of Subdivision/Condominium; and,
- b) All development within the Secondary Plan Area shall be generally consistent with the Urban Design Guidelines attached to this Plan as Appendix B. Adjustments and further refinements to the Urban Design Guidelines are anticipated and shall not require an Amendment to this Plan, provided that the intent and general design approach inherent to the Urban Design Guidelines are achieved to the satisfaction of the Town.

B1.7.4.3 General Site Development Criteria

- a) The Town shall ensure that the following general site development criteria are implemented in all new development:
 - i) Buildings shall be street-front oriented and provide direct street access for pedestrians;
 - ii) Large scale automobile parking areas shall generally be sited to the side or rear of buildings, or, preferably below grade. The softening of the impact of the large areas of surface parking through building orientation, boulevard landscaping treatments and landscaped islands is required;
 - iii) Residential driveway access will not be permitted on Highway 20 and Regional Road 54.
 - iv) With the exception of single-detached and semi-detached dwelling units and townhouse units, all new development shall provide outdoor bicycle racks at their main entrance. In locations with minimal setbacks where there is insufficient space for bicycle racks at the main building entrance, bicycle racks may be provided at an alternate location in proximity to the entrance that is convenient and highly visible. Covered or secure indoor bicycle parking, and other end of trip facilities such as showers and change rooms, are also encouraged by the Town.

- v) Compatibility between different land uses and scales of buildings shall be achieved through appropriate siting, design and landscape treatment;
- vi) The Zoning By-law will specify requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to enhance the “greening” of the community which shall be applied in all new development;
- vii) High quality landscape treatment shall be provided throughout the Secondary Plan Area;
- viii) Building form and siting shall minimize the impacts of noise, wind and shadows on adjacent properties and shall enhance views of landmark buildings and all components of the Greenlands System;
- ix) High density development shall generally be adjacent to:
 - Arterial roads and/or Collector Main Streets;
 - Retail and service commercial uses;
 - Community facilities; and,
 - Public open space areas.
- x) Where a proposed non-residential use abuts or is proximate to an existing or proposed residential land use, fencing, landscaping, berming or a combination of these design elements will be utilized to ensure that there is adequate screening between the uses;
- xi) Loading areas, and outdoor and fully enclosed refuse collection areas, shall be unobtrusive and screened and shall generally be located at the side or the rear of buildings;
- xii) Rooftop equipment shall be unobtrusive, architecturally incorporated into the design of the building and/or screened from view;
- xiii) No open storage is permitted except as permitted under the Zoning By-law. Where open storage is permitted, it shall be unobtrusive and screened, and shall generally be located at the side or the rear of the building; and,
- xiv) Common vehicular access and internal circulation including service lanes connecting abutting properties and/or developments shall be provided wherever possible.

B1.7.4.4 Crime Prevention Through Environmental Design (CPTED)

- a) The Town will promote building and site design that assist in the reduction of the incidence of crime through the implementation of Crime Prevention Through Environmental Design (CPTED) principles including natural surveillance, natural access control, territorial reinforcement and space assessment; and,
- b) The Town shall have regard for the principles of CPTED in their review of all development applications.

B1.7.4.5 Sustainable Design/Green Building

- a) The overall development pattern within the Secondary Plan Area has been developed with regard to the principles of LEED-ND (Leadership in Energy and Environmental Design – Canada) as they have evolved;
- b) To encourage that all new buildings achieve 20% greater water conservation efficiency than required by the Ontario Building Code;
- c) All new development, with the exception of residential buildings containing less than 25 dwelling units, must be built to the following requirements for sustainability:
 - i) LEED Silver, or equivalent alternative, prior to and including 2021; and,
 - ii) LEED Gold, or equivalent alternative, from 2022 up to and beyond 2031.
- d) To encourage all new development to be built to the following requirements for sustainability:
 - i) Grade-related (3 storeys or less) residential buildings achieve a minimum performance level that is equal to an ENERGY STAR® standard; and,
 - ii) Mid- and high-rise (4 storeys and greater) residential and non-residential buildings shall be designed to achieve 25% greater energy efficiency than the Model National Energy Code for Buildings.

B1.7.5 Phasing Policies

B1.7.5.1 Residential Neighbourhoods Phasing Policies

- a) There are a total of four residential neighbourhoods identified on Schedule A4. These neighbourhoods are generally delineated on the basis of sub-watershed boundaries, or other physical plan components, and typically include at least one stormwater management facility;
- b) In total, the four residential neighbourhoods are expected to generate approximately 5,350 people and jobs. That development yield is further subdivided into Greenfield development, representing approximately 3,700 people and jobs, and development through intensification, representing approximately 1,650 people and jobs. The development yield calculations, and the inherent assumptions therein are provided in Appendix D;
- c) Overall, the four residential neighbourhoods are expected to achieve a gross density of 50 persons and jobs combined per hectare. In this regard, gross density is defined as the development yield divided by the gross land area. Gross land area is the total land area, less those lands designated *Environmental Protection One* and *Environmental Protection Two* on Schedule A5;
- d) The expected development yield may increase, subject to the final delineation of the *Environmental Protection Two* designation through the Environmental Impact Study (EIS) process, without the need for a further Amendment to this Secondary Plan. However the minimum density requirement of 50 persons and jobs combined per gross hectare shall always be achieved on the identified greenfield lands;

- e) The Town shall carefully monitor residential growth within the East Fonthill Secondary Plan Area. Development phasing will be established based on population growth over time, in conjunction with the ability of the Town to pay for infrastructure development costs as required. The total population growth within the Residential Neighbourhoods shall be limited within the Secondary Plan Area by the establishment of the following development caps:
 - i) To 2021, up to a total maximum of 3,000 residents and jobs combined;
 - ii) To 2026, up to a total maximum of 4,500 residents and jobs combined; and,
 - iii) To 2031, up to 5,350 residents and jobs combined.
- f) The Town reserves the right to make modifications to the numerical development caps identified above to ensure a logical progression of growth that:
 - i) Maximizes an efficient development pattern, the cost-effective use of infrastructure investment, and avoids temporary infrastructure development solutions;
 - ii) Ensures the early development of public parkland components of the Plan;
 - iii) Includes the adequate expansion of, and improvements to, the road network, water and wastewater services;
 - iv) Ensures that a full range and mix of housing types, including house forms that have the potential to be affordable, is developed in a timely manner; and,
 - v) Is fiscally responsible and does not place an undue tax burden on the existing residents and businesses within the Town.
- g) The Town may make modifications to the numerical development caps without the need for an Official Plan Amendment, subject to approval by the Region.

B1.7.5.2 Commercial/Employment Centre Phasing Policies

- a) It is the intent of this Plan to support the function of the historic downtown, and to protect it from the immediate impacts of competition from the development of a major retail commercial centre within the East Fonthill Secondary Plan Area. This protection for the historic downtown will be provided through the application of:
 - i) Restrictions on small-scale retail and service commercial uses within the EF-Mixed Use and EF-Urban Highway Commercial designations; and,
 - ii) Caps on the overall amount of retail and service commercial floor-space that are linked to residential growth within the East Fonthill Secondary Plan Area.
- b) Much of the historic downtown is comprised of retail and service commercial uses with less than 300 square metres of Gross Leasable Floor Space, with many at 150 square metres or less. As such, this Plan will include policies that are intended to protect those small scale uses from the impacts of new retail and service commercial development within the Commercial/Employment Centre of the East Fonthill Secondary Plan Area;
- c) The Commercial /Employment Centre identified on Schedule A4 is expected to generate a minimum of 1,190 people and jobs combined per gross hectare. This development yield is based on a minimum gross density of 50 persons and jobs

combined per gross hectare. Gross hectare is defined as the total land area of the Secondary Plan Area, less those lands designated Environmental Protection One and Environmental Protection Two. The development yield calculations, and the inherent assumptions therein, are provided in Appendix D;

- d) 100% of the expected development yield for the Commercial/Employment Centre – 1,190 people and jobs combined are to be achieved through Greenfield development. The greenfield development component of this Plan is required to achieve a minimum density of 50 persons and jobs combined per gross hectare, and is expected to build out within the twenty-year timeframe of this Plan;
- e) The Town shall carefully monitor growth within the East Fonthill Secondary Plan Area. Development Phasing will be established based on growth over time, in conjunction with the ability of the Town to pay for infrastructure development costs as required. The total growth within the Commercial/Employment Centre shall be limited through the implementation of the following caps on development:
 - i) To 2021, up to a total maximum of 785 residents and jobs combined; and,
 - ii) To 2031, up to 1,190 residents and jobs combined.
- f) The Town reserves the right to make modifications to the numerical development caps identified above to ensure appropriate synergies among the various land uses, and a logical progression of growth that:
 - i) Maximizes an efficient development pattern, the cost-effective use of infrastructure investment, and avoids temporary infrastructure development solutions;
 - ii) Includes the adequate expansion of, and improvements to, the road network, water and wastewater services; and,
 - iii) Is fiscally responsible and does not place an undue tax burden on the existing residents and businesses within the Town.
- g) The Town may make modifications to the numerical development caps without the need for an Official Plan Amendment, subject to approval by the Region;
- h) While it is intended that development of retail and service commercial development be carefully managed, other permitted uses within the EF-Mixed Use and EF-Urban Highway Commercial designations shall be permitted to be developed without regard to the phasing policies for Residential Neighbourhoods identified in this Plan;
- i) Where retail commercial Gross Leasable Floor Area exceeds 40,000 square metres on lands within the identified Commercial/Employment Centre, a Retail Commercial Market Impact Analysis shall be required to support additional retail commercial development:
 - i) A required Retail Commercial Market Impact Analysis shall consider the supply of retail commercial space within the market area versus the demand for additional space vis a vis the growing local population, and/or on-going commercial spending leakage to adjacent municipalities. In addition, impacts on the historic downtown shall be quantified, considered and appropriately mitigated. A required Retail Commercial Market Impact Analysis shall be prepared by a qualified consultant to the satisfaction of the Town, in consultation with the Region.

- j) In order to achieve the minimum density targets of this Plan, the Town will not approve any development application that compromises the ability of the Town to achieve the expressed targets throughout the East Fonthill Secondary Plan Area. As such, prior to the approval of any application for Plan of Subdivision and/or Zoning By-law Amendment, the proponent shall demonstrate how the proposal contributes to the minimum gross density targets of this Plan. Proponents shall provide a population and employment density table and/or plan that geographically distributes development forms/types, lot sizes and densities based on the objectives and policies of this Plan.

B1.7.6 Land Use Designations

- a) Land use is divided into nine categories, as shown on Schedule A5, with policies established for each category. The categories include:

The Residential Neighbourhoods

- i) EF-Low Density Residential;
- ii) EF-Medium Density Residential;
- iii) EF-High/Medium Density Residential;

The Commercial/Employment Centre

- iv) EF-Mixed-Use;
- v) EF-Urban Highway Commercial;

The Greenlands System

- vi) Environmental Protection Area One;
 - vii) Environmental Protection Area Two;
 - viii) Public Parkland; and,
 - ix) Stormwater Management Facilities.
- b) The boundaries of land use designations, as shown on Schedule A5, are intended to be general and approximate, unless they coincide with a road, lot line, utility corridor or prominent physical feature. Adjustments to the approximate location of land use boundaries may be permitted without the need for an Official Plan Amendment provided the general intent of the Official Plan and this Secondary Plan are maintained. Similarly, adjustments may be made in the location of streets, trails and bikeways provided the general intent of the Secondary Plan is maintained.

B1.7.7 The Residential Neighbourhoods

B1.7.7.1 Intent

It is the intent of the Town to establish 4 Residential Neighbourhoods within the East Fonthill Secondary Plan Area, as identified on Schedule A4. On those lands it is the intent of the Town to promote the development of complete communities through an

appropriate housing mix, access to neighbourhood retail services, and pedestrian-oriented street design. The 4 Neighbourhoods will be connected to the Greenlands System and achieve an overall minimum density of at least 50 persons and jobs combined per gross hectare within a safe, healthy and functional environment.

B1.7.7.2 General Policies

- a) In order to achieve the minimum density targets of this Plan, the Town will not approve any development application that compromises the ability of the Town to achieve the expressed density targets throughout the East Fonthill Secondary Plan Area. As such, prior to the approval of any application for Plan of Subdivision and/or Zoning By-law Amendment, the proponent shall demonstrate how the proposed development contributes to density targets of this Plan;
- b) Prior to the approval of any development application, proponents shall provide a housing mix and density plan that geographically distributes housing forms/types, lot sizes and densities based on the objectives and policies of this Plan. The following minimum density targets shall be achieved within each neighbourhood:
 - i) Neighbourhood 1 shall achieve an overall minimum density of approximately 57 persons and jobs per gross hectare combined;
 - ii) Neighbourhood 2 shall achieve an overall minimum gross density of approximately 53 persons and jobs per hectare combined;
 - iii) Neighbourhood 3 shall achieve an overall minimum gross density of approximately 43 persons and jobs per hectare combined; and,
 - iv) Neighbourhood 4 shall achieve an overall minimum gross density of approximately 40 persons and jobs per hectare combined.
- c) The purpose of the variable density targets for each individual neighbourhood is to ensure the minimum density target of 50 persons and jobs combined per gross hectare is achieved over the entire community. These density targets are derived from the data provided in Appendix D;
- d) A Neighbourhood Master Plan will be prepared for each of the four Residential Neighbourhoods. The required Neighbourhood Master Plan shall include the entire neighbourhood as identified on Schedule A4, and shall include the following components:
 - i) *Road, Block and Land Use Plan* – The Road, Block and Land Use Plan will identify the conceptual layout of the Site, including the distribution of land uses and building heights. This Plan will provide enough detail to ensure that the minimum overall density assigned to each of the Neighbourhoods has been achieved;
 - ii) *Streetscape and Open Space Plan* – The Streetscape and Open Space Plan will identify the function, design and treatment of all the internal road types. It will identify the location of all public sidewalks, on-street bikeways, and the various components of the open space system and trails network, and the integration of these facilities with existing, proposed and future land uses. The Streetscape and Open Space Plan will identify the linkages between proposed parks and parkettes;

- iii) *Urban Design and Architectural Control Guidelines* – The Urban Design and Architectural Control Guidelines will provide more detail and implement the Urban Design Guidelines attached to this Plan as Appendix B, and any other applicable policies of this Plan. These Guidelines will articulate building height, massing and form, building setbacks, the arrangement of buildings on lots and the treatment of on-site parking. In addition, the urban and architectural control guidelines will identify the location and design treatment of landmark architectural features and architectural design requirements for all buildings, including landscape elements;
 - iv) *Servicing Plan* – The Servicing Plan shall include, but shall not be limited to, technical details regarding the provision of water, wastewater, stormwater management and public and/or private utilities; and,
 - v) *Environmental Impact Study* – An Environmental Impact Study (EIS), where required by the policies of the Official Plan. The required EIS shall include the contiguous lands of participating landowners.
- e) The Demonstration Plans provided in Appendix A and the Urban Design Guidelines provided in Appendix B, attached, may constitute the Road, Block and Land Use Plan, the Streetscape and Open Space Plan and the Urban Design Guidelines components of the Neighbourhood Master Plan, if the proposed development is generally consistent with the Demonstration Plans and Urban Design Guidelines of Appendix A and B, to the satisfaction of the Town;
 - f) The Neighbourhood Master Plan shall form the basis of Draft Plan of Subdivision, implementing zoning, and/or Site Plan Approvals. Prior to development in any Residential Neighbourhood, the Town shall be satisfied that the Neighbourhood Master Plan has been completed, and all of the policies of this Plan have been appropriately fulfilled;
 - g) The Town may consider combining neighbourhoods, as long as all of the policies of this Plan can be achieved; and,
 - h) Within all residential designations, increases in density may be permitted, subject to a test of compatibility and design appropriateness, without Amendment to this Plan. The Town, in considering any increase in height and/or density may implement a height and/or density bonus by-law, utilizing the provisions of Section 37 of the *Planning Act*.

B1.7.7.3 EF-Low Density Residential

B1.7.7.3.1 Permitted Uses

- a) The following uses are permitted within the EF-Low Density Residential designation:
 - i) Single detached and semi-detached dwelling units;
 - ii) Accessory apartments/secondary suites;
 - iii) Accessory buildings and structures related to the primary residential dwelling unit;
 - iv) Home occupations;

- v) Places of worship;
 - vi) Day nurseries;
 - vii) Convenience retail and service commercial uses;
 - viii) Parks, parkettes and open space linkages; and,
 - ix) Public uses and public and private utilities.
- b) In addition to the permitted uses identified above, townhouses may be permitted and may constitute up to a maximum of 15% of the total number of dwelling units within any individual draft plan of subdivision; and,
 - c) The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the EF-Low Density Residential designation.

B1.7.7.3.2 Development Policies

- a) For single-detached units, density shall range from a minimum of 10 units per net hectare up to 30 units per net hectare;
- b) For semi-detached units, density shall range from a minimum of 20 units per net hectare, up to 40 units per net hectare;
- c) Permitted street townhouse dwellings shall be developed at densities ranging from a minimum of 20 units per net hectare up to 50 units per net hectare;
- d) The maximum building height for any building within the EF-Low Density Residential designation shall be 3 storeys, or 10.5 metres, whichever is less;
- e) Places of worship and day nurseries shall only be permitted within the EF-Low Density Residential designation through a Site Specific Zoning By-Law Amendment process, provided that they:
 - i) Have a minimum lot size of 0.75 of a hectare;
 - ii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iii) Are located near the intersection of two public roads, at least one of which is a Collector Main Street.

Further, the landmark, or steeple component of a Place of Worship may be permitted to exceed the 10 metres height limitation, subject to approval by the Town, through the required Site Specific Zoning By-law Amendment process.

- f) Convenience retail and service commercial uses shall only be permitted within the EF-Low Density Residential designation through a Site Specific Zoning By-Law Amendment process, and provided that they:
 - i) Are limited in size to 150 square metres per business;
 - ii) Include no more than 3 businesses on a lot;
 - iii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,

- iv) Are located at the intersection of two public roads, at least one of which is a Collector Main Street.

B1.7.7.4 EF-Medium Density Residential

B1.7.7.4.1 Permitted Uses

- a) The following uses are permitted within the EF-Medium Density Residential designation:
 - i) All forms of townhouse units;
 - ii) Small scale apartment buildings;
 - iii) Accessory apartments/secondary suites;
 - iv) Live-work units;
 - v) Housing for seniors and/or special needs housing;
 - vi) Accessory buildings and structures related to the primary residential dwelling unit;
 - vii) Home occupations;
 - viii) Places of worship;
 - ix) Day nurseries;
 - x) Convenience retail and service commercial uses;
 - xi) Parks, parkettes and open space linkages; and
 - xii) Public uses and public and private utilities.
- b) In addition to the permitted uses identified above, single and semi-detached dwellings may be permitted but may not constitute more than 15% of the total number of dwelling units within any individual draft plan of subdivision; and,
- c) The Implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the EF-Medium Density Residential designation.

B1.7.7.4.2 Development Policies

- a) Townhouse dwellings shall be developed at densities ranging from a minimum of 20 units per net hectare, up to 60 units per net hectare;
- b) Small scale apartment buildings shall be developed at densities ranging from a minimum of 35 units per net hectare, up to 75 units per net hectare;
- c) Permitted singles and semi-detached dwellings shall be developed at densities ranging from a minimum of 20 units per net hectare up to 50 units per net hectare;
- d) The maximum building height for any building within the EF-Medium Density Residential designation shall be 5 storeys or 17 metres, whichever is less, and may include a 4 metre minimum height requirement on the first floor to accommodate live-work units;

- e) Places of worship and day nurseries shall only be permitted within the EF-Medium Density Residential designation through a Site Specific Zoning By-Law Amendment process, provided that they:
 - i) Have a minimum lot size of 0.75 of a hectare;
 - ii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iii) Are located near the intersection of two public roads, at least one of which is a Collector Main Street.

Further, the landmark, or steeple component of a Place of Worship may be permitted to exceed the 17 metres height limitation, subject to approval by the Town through the required Site Specific Zoning By-law Amendment process.

- f) Convenience retail and service commercial uses shall only be permitted within the EF-Medium Density Residential designation through a Site Specific Zoning By-Law Amendment process, provided that they:
 - i) Are limited in size to 150 square metres per business;
 - ii) include no more than 3 businesses on a lot;
 - iii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iv) Are located at the intersection of two public roads, at least one of which is a Collector Main Street.
- g) Where a convenience and/or service commercial use is proposed on the ground floor of a permitted residential use within the EF-Medium Density Residential designation, the Town shall ensure an appropriate residential-commercial interface within the building and on the site, through the rezoning and Site Plan Control processes;
- h) Development on the basis of public or private lanes is encouraged and may be required where dwelling units front onto a Collector Main Street. Development on the basis of public or private lanes may be permitted where dwelling units front onto a Local Road, subject to confirmation of the technical requirements by the Town; and,
- i) Schedule A5 identifies symbolically a location for a potential apartment building. In general proximity to that symbol, one apartment building may be developed, subject to Policy B1.7.7.5 of this Plan, and the following criteria:
 - i) The site is located at the intersection of two public roads, at least one of which is designated as a collector; and,
 - ii) The site does not exceed 10,000 square metres in size.

B1.7.7.5 EF-High/Medium Density Residential

B1.7.7.5.1 Permitted Uses

- a) The following uses are permitted within the EF-High/Medium Density Residential designation:

- i) Apartment buildings and Townhouses;
 - ii) Housing for seniors and/or special needs housing;
 - iii) Accessory buildings and structures related to the primary residential dwelling unit;
 - iv) Live-work units;
 - v) Places of worship;
 - vi) Day nurseries;
 - vii) Convenience retail and service commercial uses;
 - viii) Parks, parkettes and open space linkages; and,
 - ix) Public uses and public and private utilities.
- b) The Implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the EF-High/Medium Density Residential designation.

B1.7.7.5.2 *Development Policies*

- a) Apartment buildings shall be developed at densities ranging from a minimum of 35 units per net hectare, up to 160 units per net hectare;
- b) Townhouse dwellings shall be developed at densities ranging from a minimum of 30 units per net hectare, up to 60 units per net hectare;
- c) The minimum building height for any Townhouse building shall be 2 storeys, or 7.0 metres, and any Apartment building within the EF-High/Medium Density Residential designation shall be 3 storeys, or 11.0 metres, whichever is greater. The maximum building height for any building within the EF-High/Medium Density Residential designation shall be 10 storeys, or 35 metres, whichever is less. The height of the first floor of all buildings within the EF-High/Medium Density Residential designation shall be a minimum of 4 metres to accommodate live-work units;
- d) Places of worship and day nurseries shall only be permitted within the EF-High/Medium Density Residential designation through a Site Specific Zoning By-Law Amendment process, provided that they:
 - i) Have a minimum lot size of 0.75 of a hectare;
 - ii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iii) Are located near the intersection of two public roads, at least one of which is a Collector Main Street.
- e) Convenience and service commercial uses shall only be permitted within the EF-High/Medium Density Residential designation through a Site Specific Zoning By-Law Amendment process, provided that they:
 - i) Are limited in size to 150 square metres per business;
 - ii) include no more than 3 businesses on a lot;

- iii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
 - iv) Are located at the intersection of two public roads, at least one of which is a Collector Main Street.
- f) Where a convenience and/or service commercial use is proposed on the ground floor of a permitted residential use within the EF-High/Medium Density Residential designation, the Town shall ensure an appropriate residential-commercial interface within the building and on the site, through the rezoning and Site Plan Control processes;
- g) Development on the basis of public or private lanes is preferred and may be required where dwelling units front onto a Collector Main Street. Development on the basis of public or private lanes may be permitted where dwelling units front onto a public Local Road, subject to confirmation of the technical requirements by the Town; and,
- h) Where buildings are proposed within the EF-High/Medium Density Residential that abuts any other lower density residential designation, the higher density development shall be designed to ensure development compatibility such that the amenity of the lower density residential area is maintained or protected. Site design considerations may include:
- i) Increased setbacks;
 - ii) Sensitive building siting;
 - iii) Provision of landscaped buffers;
 - iv) Angular planes or other mechanisms that control of the scale of development;
 - v) The requirement for structured parking and/or the provision of parking areas that do not dominate the site physically and visually;
 - vi) The location, pattern, and style of entranceways, windows, balconies, and other architectural details; and,
 - vii) The location, pattern, and style of loading bays, and refuse containers.

B1.7.8 The Commercial/Employment Centre

B1.7.8.1 Intent

- a) The Commercial/Employment Centre includes lands designated EF-Mixed Use and EF-Urban Highway Commercial on Schedule A5. On those lands, it is the intent of the Town to promote a variety of retail commercial facilities, office and institutional uses, residential uses and community uses in a form that mixes those uses within buildings and on the site. Stand-alone and mixed-use buildings will be permitted;
- b) It is also the intent of the Town to:
- i) Ensure a vibrant, inviting and appealing atmosphere on these lands that will attract residents and new businesses, encourage walking and cycling and resonate with visitors a positive image of Fonthill;
 - ii) Facilitate the development of a major new a major new shopping destination;

- iii) Ensure that development within the Centre is comprehensively planned to ensure that the impacts of servicing, access, loading and parking can be adequately addressed;
- iv) Ensure that the required minimum density of 50 persons and jobs combined per gross hectare is achieved within the Commercial/Employment Centre; and,
- v) Ensure that leading-edge telecommunication services are in place through discussions with telecommunications providers to attract knowledge-based industries and support the technological advancement and growth of existing businesses.

B1.7.8.2 General Policies

- a) Within the Commercial/Employment Centre a Site Master Plan will be prepared for each of the two land use designations. The Site Master Plan shall include the following components:
 - i) *Road, Block and Land Use Plan* – The Road, Block and Land Use Plan will identify the conceptual layout of the Site, including the distribution of land uses, building foot prints, parking and loading areas, and building heights. This Plan will provide enough detail to ensure that the minimum overall density assigned to each of the designations has been achieved;
 - ii) *Streetscape and Open Space Plan* – The Streetscape and Open Space Plan will identify the function, design and treatment of all the internal road types. It will identify the location of all public sidewalks, on-street bikeways, and the various components of the open space system, and the integration of these facilities with existing, proposed and future land uses. The Streetscape and Open Space Plan will identify linkages between proposed parks and parkettes;
 - iii) *Urban Design and Architectural Control Guidelines* – The Urban Design and Architectural Control Guidelines will provide more detail and implement the Urban Design Guidelines attached to this Plan as Appendix B, and any other applicable policies of this Plan. These Guidelines will articulate building height, massing and form, building setbacks, the arrangement of buildings on lots and the treatment of on-site parking. In addition, the urban and architectural control guidelines will identify the location and design treatment of landmark architectural features and architectural design requirements for all buildings, including landscape elements;
 - iv) *Servicing Plan* – The Servicing Plan shall include, but shall not be limited to, the details regarding the provision of water, wastewater, stormwater management and public and/or private utilities; and,
 - v) *Environmental Impact Study* – An Environmental Impact Study (EIS) where required by the policies of the Official Plan.
- b) Subject to agreement by the Town, the requirement for two Site Master Plans may be reduced to a single Site Master Plan that combines both land use designations, as long as all of the policies of this Plan are achieved;
- c) Prior to considering an application for Zoning By-law Amendment and/or Site Plan approval, Council shall be satisfied that:

- i) Adequate parking for automobiles and bicycles and loading facilities are provided on the site;
 - ii) Buildings located at the entrance points to the Fonthill Urban Area or at the intersection of any Collector Main Street and Highway 20, such buildings are designed to provide or maintain a desirable gateway to the community;
 - iii) New or redeveloping uses incorporate landscaping to enhance the site and surrounding areas;
 - iv) Outdoor storage areas, where permitted, are substantially screened from view from passing traffic; and,
 - v) All options respecting shared access from the road are reviewed and implemented, if feasible.
- d) Based on the mixed-use nature of the Commercial/Employment Centre, typical parking requirements may be reduced and shared parking considered in recognition of the parking efficiencies offered by mixed-use development forms. The minimum and maximum parking standards throughout the Commercial/Employment Centre are:
- i) For Residential uses – 1.00 to 1.25 spaces/unit. Seniors housing will have a minimum of 0.75 spaces/unit.
 - ii) For all Office uses – 2.75 to 3.25 spaces/100 m².
 - iii) For all Retail and Service Commercial uses – 4.25 to 5.25 spaces/100 m² of Gross Leasable Floor Area.
- e) Community Improvement Plan – All lands within the EF-Urban Highway Commercial designation and the EF-Mixed Use designation are identified as within a Community Improvement Area. The Town shall consider the preparation of a Community Improvement Plan in order to establish a vision for the area, identify public realm improvement priorities and establish incentive programs to assist the private sector in improving their properties. The qualification criteria for any proposed incentive program shall include the requirement that the lands be included within the Downtown Fonthill Business Improvement Area; and,
- f) Downtown Fonthill Business Improvement Area – All lands within the EF-Urban Highway Commercial designation and EF-Mixed Use designation, should, over time, be considered for inclusion within the boundaries of the Downtown Business Improvement Area.

B1.7.8.3 EF-Mixed Use

B1.7.8.3.1 Permitted Uses

- a) Buildings within the EF-Mixed Use designation are encouraged to accommodate an array of uses. This mixture of uses is encouraged not just within the designation in general, but also on individual development sites, and within individual buildings. High activity uses that animate the streetscape and encourage foot traffic, such as retail uses, are encouraged at-grade and/or along the Arterial and Collector Road frontages, with uses such as offices, recreational, cultural and residential uses on

second floors and above and/or behind the street-related facade. Office and other appropriate employment uses shall be encouraged above grade in mixed-use buildings located throughout the EF-Mixed Use designation, and in single-use buildings that are located off Arterial or Collector Road frontages;

- b) The following uses/mixture of uses are permitted within the EF-Mixed-Use designation:
- i) Commercial, professional and/or government offices;
 - ii) Research and data processing facilities;
 - iii) Retail commercial uses including retail stores, restaurants and personal services, with Gross Leasable Floor Areas greater than 150 square metres. Retail commercial uses with a Gross Leasable Floor Area of between 100 and 150 square metres may be considered by the Town, subject to an analysis that indicates that the proposed use will not have a detrimental impact on any existing use within the historic commercial core of Fonthill, to the satisfaction of Council;
 - iv) Space extensive retail uses such as:
 - Automotive related products;
 - Large and bulky goods such as furniture and appliances;
 - Home improvement materials;
 - Supermarkets;
 - Hardware; and,
 - Nursery or garden supply products;
 - v) Hotels and tourist accommodations;
 - vi) Conference centres;
 - vii) Cultural, recreational and entertainment uses;
 - viii) Public and private institutional uses;
 - ix) Live-work units;
 - x) Townhouses and apartment buildings;
 - xi) Accessory apartments and/or secondary suites;
 - xii) Housing for seniors and/or special needs housing;
 - xiii) Child care facilities;
 - xiv) Parking facilities at-grade and/or in structure;
 - xv) Cycling facilities;
 - xvi) Parks and parkettes; and,
 - xvii) Public uses and public and private utilities.
- c) The Implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the EF-Mixed Use designation.

B1.7.8.3.2 Development Policies

- a) It is recognized that the entire site will be developed over a relatively long period of time. As such, minimum densities, whether the overall density, or individual site densities will be calculated on the basis of the required Site Master Plan, which will be phased over time. At build-out, the lands designated EF-Mixed Use are required to achieve a minimum density of 50 persons and jobs combined per gross hectare;
- b) Residential development shall be developed at densities ranging from a minimum of 35 units per net hectare, up to 160 units per net hectare;
- c) The minimum building height for any building within the EF-Mixed Use designation shall be 2 storeys, or 6.0 metres, whichever is greater. The maximum building height for any building within the EF-Mixed Use designation shall be 10 storeys, or 35 metres, whichever is less. The ground floor of any live-work unit, or any non-residential building shall be a minimum of 4.0 metres. An exception to the minimum height requirement may be considered by the Town to facilitate single-storey residential units that are part of a senior citizens housing complex;
- d) The maximum height of any new development may be increased to up to 12 storeys through the Height Bonus provisions provided under Section 37 of the *Planning Act*; and,
- e) Development within the EF-Mixed-Use designation shall only proceed on the basis of a Site Master Plan, which shall form the basis of an implementing Official Plan Amendment and Zoning By-law Amendment, followed by Site Plan Approval.

B1.7.8.4 EF-Urban Highway Commercial

B1.7.8.4.1 Permitted Uses

- a) Buildings within the EF-Urban Highway Commercial designation are encouraged to accommodate an array of uses. This mixture of uses is encouraged not just within the designation in general, but also on individual development sites, and within individual buildings. High activity uses that animate the streetscape and encourage foot traffic, like retail uses, are encouraged at-grade and/or along the Arterial and Collector Road frontages, with uses such as offices, recreational, cultural and residential uses on second floors and above and/or behind the street-related facade. Office and other appropriate employment uses shall be encouraged above grade in mixed-use buildings located throughout the EF-Urban Highway Commercial designation, and in single-use buildings that are located off Arterial or Collector Road frontages;
- b) The following uses are permitted within the EF-Urban Highway Commercial designation:
 - i) Commercial, professional and/or government offices;
 - ii) Research and data processing facilities;
 - iii) Retail commercial uses including retail stores, restaurants and personal services, with Gross Leasable Floor Areas greater than 150 square metres. Retail commercial uses with a Gross Leasable Floor Area of between 100 and 150 square metres may be considered by the Town, subject to an analysis that

indicates that the proposed use will not have a detrimental impact on any existing use within the historic commercial core of Fonthill, to the satisfaction of Council;

- iv) Space extensive retail uses such as:
 - Automotive related products;
 - Large and bulky goods such as furniture and appliances;
 - Home improvement materials;
 - Supermarkets;
 - Hardware; and,
 - Nursery or garden supply products;
 - v) Hotels and tourist accommodations;
 - vi) Conference centres;
 - vii) Cultural, recreational and entertainment uses;
 - viii) Public and private institutional uses;
 - ix) Live-work units;
 - x) Townhouses and apartment buildings;
 - xi) Accessory apartments/secondary suites;
 - xii) Housing for seniors and/or special needs housing;
 - xiii) Child care facilities;
 - xiv) Parking facilities at-grade and/or in structure;
 - xv) Cycling facilities;
 - xvi) Parks and parkettes; and,
 - xvii) Public uses and public and private utilities.
- c) The Implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the EF-Urban Highway Commercial designation.

B1.7.8.4.2 Development Policies

- a) It is recognized that the entire site will be developed over a relatively long period of time. As such, minimum densities, whether the overall density, or individual site densities will be calculated on the basis of the required Master Site Plan, which will be phased over time. At build-out, the lands designated EF-Urban Highway Commercial are required to achieve a minimum density of 50 persons and jobs combined per gross hectare;
- b) Residential development shall be developed at densities ranging from a minimum of 35 units per net hectare, up to 160 units per net hectare;
- c) The minimum building height for any building within the EF-Urban Highway Commercial designation shall be 2 storeys, or 6.0 metres, whichever is greater. The

maximum building height for any building within the EF-Mixed Use designation shall be 10 storeys, or 35 metres, whichever is less. The ground floor of any live-work unit, or any non-residential building shall be a minimum of 4.0 metres. An exception to the minimum height requirement may be considered by the Town to facilitate single-storey residential units that are part of a senior citizens housing complex;

- d) The maximum height of any new development may be increased to up to 12 storeys through the Height Bonus provisions provided under Section 37 of the *Planning Act*; and,
- e) Development within the EF-Urban Highway Commercial designation shall only proceed on the basis of a Site Master Plan which shall form the basis of an Implementing Zoning By-law Amendment, followed by Site Plan Approval.

B1.7.9 The Greenlands System

B1.7.9.1 Intent

- a) It is the intent of the Town to establish a linked Greenlands System that also acts as a fundamental element of the urban structure of the East Fonthill community;
- b) The Greenlands System, as identified on Schedule A4 is comprised of the lands designated *Environmental Protection One*, *Environmental Protection Two*, *Public Parkland* and *Stormwater Management*. Schedule A5 identifies more specifically the locations for each of those designations;
- c) The inclusion of all the associated elements and related activities into an interconnected Greenlands System will protect and enhance natural heritage features and their associated functions and expand the recreational opportunities available to residents; and,
- d) Mapping of the identified significant natural heritage features are attached to this Plan as Appendix C.

B1.7.9.2 Environmental Protection One (Regional Environmental Protection Area – EPA)

The policies applicable to the lands designated *Environmental Protection One* on Schedule A5 are found in Section B3.2 of the Official Plan.

B1.7.9.3 Environmental Protection Two (Regional Environmental Conservation Area – ECA)

The policies applicable to the lands designated *Environmental Protection Two* on Schedule A5 are found in Section B3.3 of the Official Plan.

B1.7.9.4 Public Parkland

The policies applicable to the lands designated Public Parkland on Schedule A5 are found in Section D5.4 of the Official Plan. In addition to the policies of Section D5.4, it will be a requirement that Parkettes be widely distributed throughout the Secondary Plan Area to ensure easy access and multiple opportunities for rest, relaxation and visual

interest. It is understood that some parkettes will cater to primarily a local resident population, while others will have a broader range of users and activities.

B1.7.9.4.1 Parkettes in the Residential Neighbourhoods

- a) The following policies apply to the establishment of parkettes throughout the Residential Neighbourhoods:
 - i) A parkette shall generally have a minimum frontage on the abutting sidewalk of 20 metres, and a minimum depth of 30 metres, and shall be developed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix A;
 - ii) Parkettes shall be designed to reinforce a high quality formalized relationship with its adjacent building use, streetscape and/or component of the Greenlands System;
 - iii) Large sites may include a single, large-scale parkette and/or a series of smaller parkettes; and,
 - iv) Landscape elements and features within the parkette shall be designed to define and articulate activity areas, circulation, entry points, seating and gathering areas.
- b) Parkettes within the Residential Neighbourhoods that are less than 0.4 of a hectare shall generally not contribute to the Town's parkland dedication requirements, and shall generally not be required or accepted by the Town. The Town may, however, consider accepting parkland parcels that are less than 0.4 of a hectare without amendment to this Secondary Plan, subject to specific approval by Council that is based on an understanding of the specific land parcel's contribution to the overall public parkland system within the East Fonthill Secondary Plan Area.
- c) Notwithstanding subsection b) above, the Town may deem that privately owned Parkland, that is greater than .02 of a hectare in size and is part of an apartment building condominium and/or townhouse condominium project, or part of a higher density mixed-use condominium project within the Residential Neighbourhoods, may fulfill all or part of the required parkland conveyance requirement, whether or not the land is actually conveyed to the Town, subject to the execution of an agreement satisfactory to the Town that ensures the following:
 - i) The park space is designed and built by the landowner to the satisfaction of the Town;
 - ii) The park space is maintained by the landowner to the satisfaction of the Town; and,
 - iii) The landowner is made aware that the park space is to be considered as public park space and is to remain open and accessible to the public at all times.

B1.7.9.4.2 Parkettes in the Commercial/Employment Centre

- a) The following policy applies to the establishment of parkettes throughout the Commercial/Employment Centre:

- i) All development applications on sites greater than 0.2 hectares in size shall include a location for a parkette. Parkettes are intended as formal pedestrian spaces, in support of the adjacent higher density, mixed use development;
 - ii) A parkette shall generally have a minimum frontage on the abutting sidewalk of 10 metres, and a minimum depth of 10 metres;
 - iii) Parkettes shall be designed to reinforce a high quality formalized relationship with its adjacent building use and streetscape;
 - iv) Large sites may include a single, large-scale parkette and/or a series of smaller parkettes; and,
 - v) Landscaping within the parkette shall be designed to define and articulate activity areas, circulation, entry points, seating and gathering areas.
- b) The Town may deem that privately owned parkettes fulfil all or part of the required parkland dedication, whether or not the land is dedicated to the Town, subject to the execution of an agreement that ensures the following:
- i) The parkette is designed and built by the landowner to the satisfaction of the Town;
 - ii) The parkette is maintained by the landowner to the satisfaction of the Town; and,
 - iii) The owner(s) and/or the condominium corporation is made aware that the parkette is to be considered as a public space and is to be open and accessible to the public at all times.

B1.7.9.4.3 *Parkland Acquisition Tools*

- a) In addition to the policies of Section D5.4 of this Official Plan, the public parkland system as conceptually identified on the schedules to the East Fonthill Secondary Plan Area will be acquired by the following means:
- i) The land acquisition powers authorized by public statutes, including the Planning Act, the Official Plan and this Secondary Plan;
 - ii) Funds allocated in the Town's budget, dedicated reserves in the Parkland Acquisition Account for the East Fonthill Secondary Plan Area, or joint acquisition programs;
 - iii) Voluntary conveyance, donations, gifts, bequests from individuals or corporations; and/or,
 - iv) Funds allocated by any authority having jurisdiction.

B1.7.9.4.4 *Requirements for the Conveyance of Parkland*

- a) In addition to the policies of Section D5.4 of this Official Plan, and as a condition of the development, redevelopment, or subdivision of land(s), the Town shall require that land be conveyed to the Town as follows:
- i) For all industrial and commercial forms of development, the land requirement for parkland conveyance to the Town shall be a maximum of 2% of the gross land area;

- ii) For residential forms of development, the land requirement for parkland conveyance to the Town shall be a maximum of 5% of the gross land area, or a maximum of 1 hectare of parkland for every 300 dwelling units, whichever is greater;
- iii) For all other forms of development, except for commercial, industrial and residential development, the land requirement for parkland conveyance to the Town shall be a maximum of 5% of the gross land area; and,
- iv) For development that includes a mixture of land uses, where no single use exceed 75 percent of the total gross floor area of the development proposal, the land requirement for parkland conveyance to the Town shall be a maximum of 2% of the gross land area.

B1.7.9.4.5 Lands Suitable/Not Suitable for Conveyance

- a) Lands not considered suitable for parkland conveyance shall be determined by the Town. Lands conveyed shall be free and clear of all encumbrances, including, but not limited to lands having:
 - i) Hazardous or flood prone areas, including associated setbacks and buffer zones;
 - ii) Lands designated Environmental Protection One and Environmental Protection Two by this Secondary Plan, including associated setbacks and buffer zones;
 - iii) Steep or unstable slopes, including associated setbacks;
 - iv) Unstable soil or unconsolidated fill;
 - v) Contaminants or are suspected of being contaminated as defined by Provincial regulations (O.Reg. 153/04 and as amended);
 - vi) Any easement, or right-of-way that limits or restricts the Town's use of the land; and/or,
 - vii) Lands that have been, or will be conveyed to the Town or other public agency for storm water management, conservation purposes, roadways, walkways/paths/trails, or any other non-parkland purposes.
- b) All lands conveyed to the Town for public park purposes shall be in a location and in a physical condition satisfactory to the Town. Any land parcel configuration, size or location that is constrained or deemed undesirable, as determined by the Town, shall not be acceptable as parkland conveyance. The following criteria shall be considered in determining suitability for of land for conveyance:
 - i) Land parcels for conveyance to the Town shall be at least 0.4 of a hectare in size and be of an appropriate configuration to accommodate park amenities such as sports fields, playgrounds, and other programmable open space;
 - ii) Notwithstanding any other policy of this Secondary Plan, the Town may accept as part of a parkland conveyance requirement, land parcels that are less than .4 of a hectare only when that parkland dedication is joined to an existing or reasonably anticipated parkland conveyance on an adjacent land parcel under a separate ownership, and that the proposed conveyance assists the Town in achieving the planned parkland system as defined on the schedules to the East Fonthill Secondary Plan;

- iii) Further, the Town may accept land parcels that are less than 0.4 of a hectare, subject to the exceptions provided by the policies of this Secondary Plan; and,
 - iv) Any lands accepted by, and conveyed to the Town for public park purposes shall be credited as contributing toward the parkland dedication requirements of the Planning Act.
- c) In addition to the policies of Section 5.4 of this Official Plan, the land to be conveyed shall:
- i) Have significant open frontage on at least one, and preferably two public roads; and,
 - ii) Be generally distributed within the East Fonthill Secondary Plan Area as defined on the schedules to this Secondary Plan.
- d) The Town may accept, at its discretion, the conveyance of lands that are not contiguous to the site or plan of subdivision that is subject to development provided that the value of the land to be provided off-site is approximately equal to the value of the lands from the subject development site, and is appropriately located within the East Fonthill Secondary Plan Area.

B1.7.9.4.6 *Parkland Conveyance Reductions*

- a) Parkland conveyance requirements may be reduced under the following circumstances, subject to approval by Council:
- i) When land is developed for nursing home use, as defined by the Province, a maximum of 2% of the total land area shall be conveyed to the Town;
 - ii) When the proposed development is being undertaken by a public sector organization the parkland conveyance requirement may be eliminated or reduced or at the discretion of Council;
 - iii) When land is developed to include affordable housing units, as defined by the Province, the conveyance requirement may be eliminated or reduced proportionate to the number of affordable units provided, at the discretion of Council;
 - iv) When the proposed development is being undertaken by a not-for-profit organization, as defined by the Province, the parkland conveyance requirement may be eliminated or reduced at the discretion of Council; and/or,
 - v) When a development proposal is wholly contained within an existing designated Heritage Building or a heritage building on a designated Heritage Property, and the proposal incorporates and conserves a cultural heritage resource to the satisfaction of Council, a parkland conveyance reduction of 50% of the applicable conveyance requirement may be applied.

B1.7.9.4.7 *Use of Cash-in-lieu*

- a) It is the objective of the Town to promote the conveyance of land through the parkland dedication process to achieve the comprehensive parkland system identified on the schedules of the East Fonthill Secondary Plan. However, the Town, at its discretion, may accept the payment of money, or a combination of land and payment of money, up to the value of the land otherwise required to be conveyed in

lieu of the conveyance of land. At its discretion, the City may accept cash-in-lieu of parkland, as follows:

- i) Where, in the opinion of the Town, the parcel of land is less than 0.4 of a hectare or otherwise too small, inappropriately configured and/or poorly located to meet parkland needs and the parkland system identified on the schedules to the East Fonthill Secondary Plan;
 - ii) Where no reasonable opportunity exists to provide suitable parkland, in accordance with the policies of this Secondary Plan; and/or,
 - iii) Where the required dedication of land would render the remainder of the site unusable or impractical for development or redevelopment, as determined by the Town.
- b) All money received by the Town through payments of cash-in-lieu of parkland generated within the East Fonthill Secondary Plan Area shall be paid into a Parkland Acquisition Account to be used for the acquisition of public parkland.

B1.7.9.5 Stormwater Management

- a) The policies applicable to Stormwater Management are found in Section C6 of the Official Plan;
- b) In addition to those policies, the following policies apply within the East Fonthill Secondary Plan Area:
 - i) Stormwater management facilities shall be permitted in all land use designations within the East Fonthill Secondary Plan Area, except for the Environmental Protection One designation and the Environmental Protection Two designation;
 - ii) Stormwater management facilities may be permitted in an Environmental Protection Two designation without the need for a further Amendment to this Plan, subject to the policy direction provided in this Plan, including the preparation of an Environmental Impact Study (EIS) to the satisfaction of the Region in consultation with the Town and the NPCA;
 - iii) Stormwater management facilities will be key features within the community contributing to the appearance and ambience of the neighbourhood, while achieving functional objectives related to flow moderation and water quality;
 - iv) Stormwater management facilities will blend with the natural landscape. Geometric forms and standard slope gradients will be avoided in favour of organic shapes and land form grading designed to replicate natural land forms in the area. Inlet and outlet structures will be concealed using a combination of planting, grading and natural stone;
 - v) Stormwater management facilities will not be fenced, but rather will be designed with trails, overlooks and interpretive signage so that they are an integral part of the East Fonthill Greenlands System; and,
 - vi) Stormwater management facilities shall be designed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix B.

B1.7.10 Environment and Groundwater Management Policies

The policies related to the environment and groundwater management within the East Fonthill Secondary Plan Area are found in Section C5 of the Official Plan.

B1.7.11 General Development Policies

B1.7.11.1 Water and Sewer Servicing Strategy

The policies applicable to the provision of municipal water and sewer services within the East Fonthill Secondary Plan Area are found in Section D2 of the Official Plan.

B1.7.11.2 Transportation

- a) The policies applicable to the provision of transportation services within the East Fonthill Secondary Plan Area are found in Section D3 of the Official Plan;
- b) Notwithstanding Section D3.3 of the Official Plan, right of way widths for public roads within the East Fonthill Secondary Plan Area shall be as follows:
 - i) For Collector Main Streets, right-of-way widths shall be between 20.0 and 22.0 metres;
 - ii) For Local Roads, right-of-way widths shall be between 16.0 and 20.0 metres;
 - iii) For public or private Laneways, the right-of way widths shall be between 7.5 and 9.0 metres; and,
 - iv) All roads within the East Fonthill Secondary Plan Area shall be developed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix B.
- c) In addition to those policies, the following policies apply within the East Fonthill Secondary Plan Area:
 - i) A comprehensive trails system is identified conceptually on the Demonstration Plan for Active Transportation, attached to this Secondary Plan as Appendix A. It is the intent of the Town to achieve this trails network through the approvals processes required to facilitate the development of this Plan;
 - ii) The trails system includes trails within natural features, stormwater management facilities, open spaces, parks and the road system;
 - iii) Minor adjustments to the trails network identified in Appendix A shall not require a further Amendment to this Plan, subject to the Town being satisfied that the principle of connectivity and continuity of the system has been fulfilled;
 - iv) Trail design and type will be based on each site's sensitivity in order to minimize environmental impacts; and,
 - v) Trails for pedestrians and cyclists within the East Fonthill Secondary Plan Area shall be developed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix B.

B1.7.11.3 Utilities

- a) Ensure utility services such as hydroelectric power, communications/telecommunications, pipelines and natural gas lines are readily available to all development at levels necessary to ensure the safety and convenience of the Town;
- b) Council shall promote utilities to be planned for and installed in initial common trenches, where feasible, in a coordinated and integrated basis in order to be more efficient, cost effective and minimize disruption; and,
- c) Utility services shall be developed to be compatible with the general character of the surrounding uses and minimize visual impact, where feasible. Council will encourage utility providers to consider innovative methods of containing utility services on or within streetscape features such as gateways, lamp posts, transit shelters, etc. when determining appropriate locations for large utility equipment and utility cluster sites.

B1.7.11.4 Heritage and Archaeological Resources

- a) The policies applicable to the heritage and archaeological resources within the East Fonthill Secondary Plan Area are found in Section D4 of the Official Plan.

B1.7.11.5 Subdivision of Land

- a) The policies applicable to the subdivision of land within the East Fonthill Secondary Plan Area are found in Section D5 of the Official Plan;
- b) In addition to the policies of Section D5 of the Official Plan, the following policy applies to all lands within the East Fonthill Secondary Plan Area:
 - i) It is the intent of the Town to ensure that Draft Plans of Subdivision are developed within a reasonable time frame. As such, the following statements shall be added to all Conditions of Draft Plan Approval:
 - A Draft Plan Approval extension may be extended pursuant to Subsection 51(33) or 51(32) of the *Planning Act*, but no extension can be granted once, or if, the approval has lapsed; If the owner wishes to request an extension to Draft Plan Approval, a written explanation must, together with a resolution from Council, be received by the Town of Pelham sixty days prior to the lapsing date; and a Draft Plan Approval extension will only be granted if, in the opinion of the Town, significant progress toward final approval has been achieved. Dormant Draft Plans shall not be considered for an extension of Draft Plan Approval.
- c) In addition to the policies of Section D5 of the Official Plan, the following policy applies to all lands within the East Fonthill Secondary Plan Area:
 - i) For each of the four Residential Neighbourhoods, and for the lands identified within the Commercial/Employment Centre, the Town urges the benefitting landowners to work together, and to enter into Developer's Group Agreements based on the requirements of this Plan;
 - ii) It is intended that there be at least one Developer's Group Agreement for each Residential Neighbourhood, and one Developer's Group Agreement for the

Commercial/Employment Centre. Provided that a sufficient number of benefitting landowners are in agreement, the Town may consider combining two or more of the identified Residential Neighbourhoods, where the applicable policies of this Plan are otherwise achieved;

- iii) It is recognized that in circumstances where there are multiple landowners, a singular Developer's Group Agreement may not be possible. To be considered a Developer's Group Agreement in fulfilment of the requirements of this Plan. The Agreement must include a landowner or landowners that represent at least 50% of the landholdings within the subject Neighbourhood. This policy does not apply to lands within the identified Commercial /Employment Centre;
- iv) If there is one landowner that represents at least 50% of the landholdings, the Town may enter into a Development Agreement with the landowner;
- v) Where undue delays are encountered with respect to execution of the required Developer's Group Agreements, the Town may, upon the request of an applicant landowner, attempt to resolve such difficulties or delays. Where resolution of such problems is deemed not possible by the Town, even with the Town's intervention, the Town shall approve alternative mechanisms to satisfy the intent of the applicable policies of this Plan;
- vi) If a benefitting landowner within a Residential Neighbourhood or within the Commercial/Employment Centre wishes to submit a development application and has been unable to obtain the necessary participation of other benefitting landowners through a Developer's Group Agreement, notwithstanding best efforts to do so, then:
 - The applicant landowner shall notify the Town in writing that it proposes to submit an application for development on its lands, or a portion thereof, without a Developer's Group Agreement;
 - The applicant landowner in said notice shall set out, in compliance with the provisions of this Plan, that the development proposal is able to accommodate on it's lands, without the participation of other landowners or lands, appropriate urban development that represents a logical expansion of the existing community. The applicant landowner shall also elect in said notice, at its option, either to:
 - Enter into a Development Agreement with the Town in lieu of other benefitting landowners; or,
 - Enter into, with the Town, a Front-Ending Agreement in accordance with the provisions of Section 44 of the *Development Charges Act*, as amended.
 - The purpose of these alternative agreements shall be to ensure that a non-participating, benefitting landowner cannot develop their lands without appropriate compensation to the applicant landowner for any expenditures that exceeds the amount required to develop the applicant landowner's lands, and is a direct benefit to a non-participating, benefitting landowner; and,

- Nothing in this policy compels the Town to enter into any agreements with any applicant landowner.
- vii) The Town, where and as appropriate, shall require the use of Area-Specific Development Charge By-Laws or Front-Ending Agreements under the *Development Charges Act*, or other suitable arrangements among landowners, in order to implement the development of the Secondary Plan Area and to fairly allocate the costs of development. The Town shall ensure that stormwater facilities are included in any Area-Specific Development Charges. Such agreements are intended to ensure that the necessary approvals and the required contributions of funds, lands and commitments for services will be in place and operative prior to, or coincident with the development and use of land. The Developer's Group Agreement and/or Front-Ending Agreement may deal with:
- Front-end or accelerated payment requirements;
 - Local services as permitted in Sections 44(1) and 59(2) of the *Development Charges Act*;
 - Matters to which the parties voluntarily agree; and/or,
 - Other matters permitted by law.
- viii) The Town must ascertain and be assured that a Developer's Group Agreement assigns cost sharing and other responsibilities in a reasonable and equitable manner, and, generally speaking, will do so in direct proportion that a development benefit is conferred upon the lands being developed. Subject to the appeal mechanisms identified in the *Planning Act* or the *Development Charges Act*, the issuance of final development approvals or the release of land for development, shall be subject to the execution of a Developer's Group Agreement and/or Front-Ending Agreement.

B1.7.12 Plan Implementation and Administration

The policies applicable to plan implementation and administration within the East Fonthill Secondary Plan Area are found in Section E of the Official Plan.

B1.8 GREENFIELD OVERLAY

The *Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow 2006)* has identified a number of Greenfield Areas within the *Urban Living Area* designation. It is a Provincial and Regional requirement that lands identified as Greenfield be developed in such a manner as to attain a minimum population/employment density of 50 people and jobs per hectare. In this Plan, the Provincial Greenbelt Areas have been identified as a *Greenfield Overlay* on the Schedules to this Plan. Though the Town of Pelham's Greenfield target is 50 people and jobs per hectare as per the *Places to Grow*, it is realized that not every site will be able to achieve that target. The Town will have flexibility on a site by site basis however, the Town will closely monitor its Greenfield developments to ensure that Pelham's overall Greenfield target will be achieved.

The following policies have been provided to describe the location of *Greenfield Overlay* areas in the *Urban Living Area* and provide guidance with respect to other policies in this Plan that may affect lands within the *Greenfield Overlay*. The following policies also provide a strategy for the future development of Greenfield Areas in the Town by describing these areas as being either “high priority” or “low priority” areas for development. Lands characterized in the following policies as “high priority” are lands that the Town views as being essential to the Town’s Settlement Area Strategy and as such, are anticipated to accommodate new development within the first 10 years that this Plan is in effect. Lands described as “low priority” are lands that are characterized by servicing or environmental constraints and are not anticipated to be considered for development until the latter tenure of this Official Plan.

B1.8.1 East Fonthill Secondary Plan, Fonthill

The East Fonthill Secondary Plan is a Secondary Plan that was originally approved by the Region and later by the Ontario Municipal Board in the summer of 2000. The Planning Area is a high priority future development area in the Town and contains the majority of the Town’s total Greenfield Area, which is shown on Schedule A1 and A2 as *Greenfield Overlay*. Through the East Fonthill Secondary Plan, outlined in Section B1.7, the following natural heritage features together with their associated adjacent lands should be identified within the East Fonthill planning area:

- a) Wetlands,
- b) Woodlands,
- c) Valleylands,
- d) Significant habitat of endangered species, threatened species and special concern species;
- e) Wildlife habitat; and,
- f) Fish habitat.

Where the above-mentioned features have been spatially confirmed and coincide with the *Greenfield Overlay* designation on Schedule A1, such lands shall be removed from the *Greenfield Overlay* designation and shall not be considered for urban development. For all residual lands within the *Greenfield Overlay* designation, the East Fonthill Secondary plan shall assign land uses, unit types and densities that derive an average density of 50 people and jobs per hectare.

B1.8.2 North West Fonthill Secondary Plan, Fonthill

According to the Growth Plan for the Greater Golden Horseshoe, the entire North West Fonthill Secondary Plan has been identified as a Greenfield Area, despite the fact that the majority of land in North West Fonthill Secondary Plan has already been approved or draft approved for development.

The North West Fonthill Secondary Plan is a high priority Greenfield Area that is anticipated to develop in accordance with the policies of the Secondary Plan as specified in Section B1.6, however only revisions proposed to existing approved or draft approved plans of subdivision which are more consistent with the Growth Plan for the Greater Golden Horseshoe shall be supported and encouraged and shall not require an