



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

September 11, 2024

**Subject: Information Report – Application for Zoning By-law Amendment
– Forest Park Single Detached Lot Regulations**

Recommendation:

**THAT Committee receive Report #2024-189 for information as it
pertains to File No. AM-06-2024;**

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

Executive Summary:

The purpose of this report is to provide the Committee of the Whole and the public with an opportunity to receive information regarding the application for Zoning By-law Amendment.

The requested Zoning By-law Amendment would amend the existing site-specific Residential 2-129 (R2-129) zone for single detached dwellings within a portion of the plan of subdivision. The request pertains to only the single detached dwellings within the Forest Park Subdivision, namely Lots 1-71 in the southern portion of the lands.

The purpose of the requested revisions to the zone regulations is to allow for flexibility in building design related to driveway and garage widths for the single detached dwellings within the plan of subdivision, as well as to allow for flexibility in height for lots with basement walkouts.

Location:

The property is located on the south side of Port Robinson Road east of the Steve Bauer Trail and north of Merritt Road (Figure 1). The lands are legally described as Part of Thorold Township Lots 171-172; Part 1 on RP 59R-728, Town of Pelham, Region of Niagara.

The request pertains to only the single detached dwellings within the Forest Park Subdivision along the east side of the future Station Street extension, the north and south sides of Walker Road, and the units on Page Street.

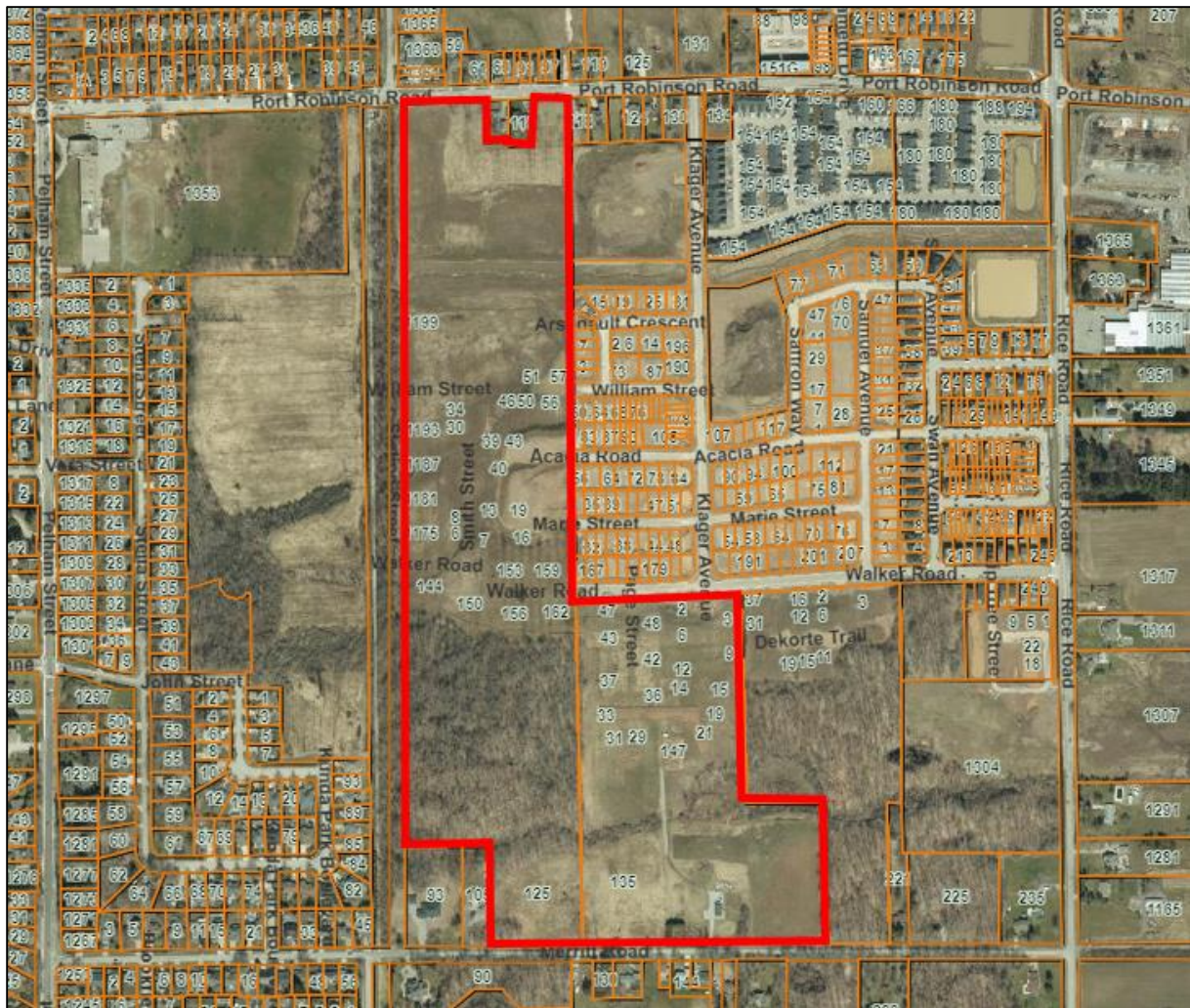
The subject property is currently vacant. Future surrounding land uses in the subdivision will be consist of a mix of single detached and townhouse dwellings,

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environmental protection lands and the Steve Bauer Trail to the west. The subject lands are located within the East Fonhill Secondary Plan area.

Figure 1: Property Location

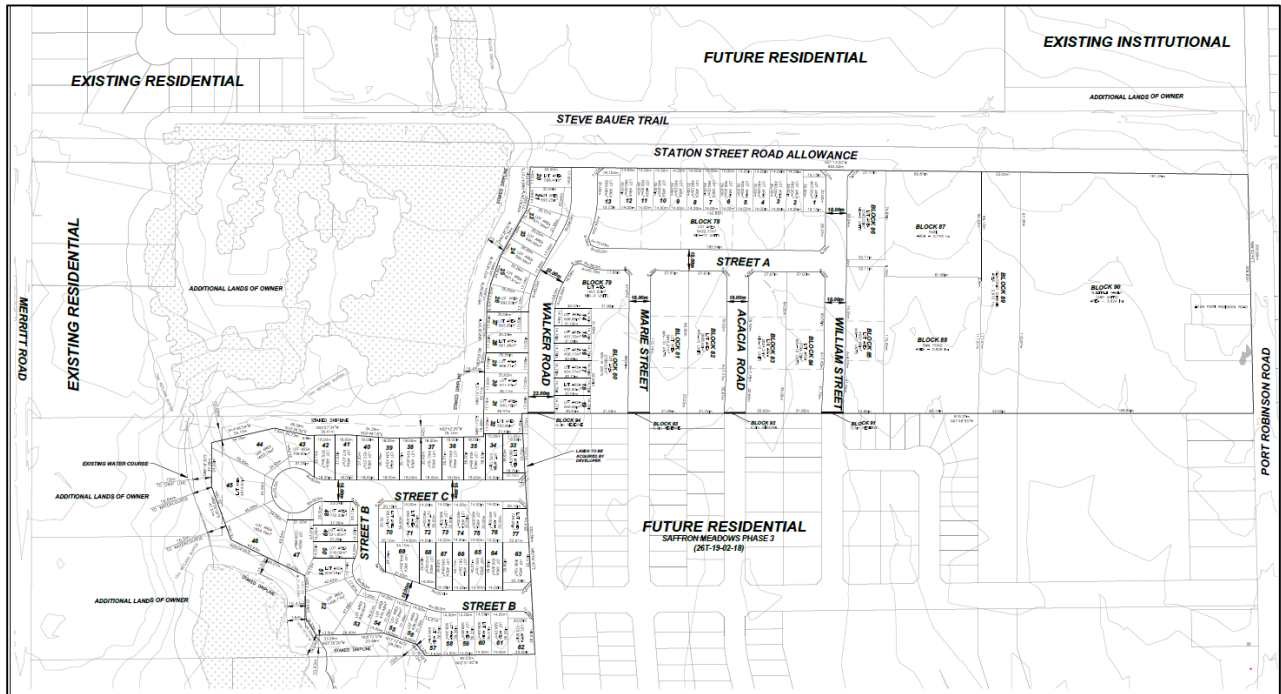


Project Description and Purpose:

The property received draft plan of subdivision approval (26T19-01-2020) and zoning by-law amendment (AM-02-2020) from Council in April 2022. Final approval of Phase 1 of the subdivision was granted in August 2024. Please see Figure 3 for the Final Phase 1 Plan of Subdivision.

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Figure 2: Final Forest Park Subdivision



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contemplated in the draft plan of subdivision. Currently, the plan is in the final stages of registration where the lots and blocks will be legally created.

The requested Zoning By-law Amendment would amend the existing site-specific Residential 2-129 (R2-129) zone for single detached dwellings within a portion of the plan of subdivision. The following revisions to the are requested:

- Revised definition of lot frontage: where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage is determined from the lot centre line to a point 7.5m back from the front lot line measured horizontally at 90 degrees from the lot;
- Minimum Front Yard: 4.0 metres to front face and 6.0 metres to garage (the garage of the dwelling shall be a minimum of 0.6 metres behind the front face of the dwelling or covered porch);
- Maximum Attached Garage Width: 50% of Lot Frontage;
- Maximum Driveway Width: 50% of Lot Frontage for the first 6 metres, 60% of lot frontage 6 metres behind the front property line;
- Maximum Height: 13 metres; and,
- Minimum Rear Yard: 4 metres (only applicable for Lot 34).

The purpose of the revisions is to allow for flexibility in building design related to driveway and garage widths for the single detached dwellings within the plan of subdivision, as well as to allow for flexibility in height for lots with basement walkouts.

Policy Review:*Planning Act, 1990*

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities, i.e., decisions of Council, "shall be consistent with the policy statements" issued under the Act and "shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be".

Section 34 of the Act allows for consideration of amendments to the Zoning By-law.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land. The PPS provides for



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appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

Policy 1.1.3.3 provides for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated taking into account the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

Section 1.4 requires municipalities to provide for an appropriate range and mix of housing options and densities required to meet projected needs of current and future residents of the regional market area.

Greenbelt Plan, 2017

The subject lands are in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for



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community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

The Growth Plan directs Planning Authorities to develop housing strategies that will ensure that forecasted growth can be accommodated, density targets are achieved, and that a mix of housing options be available.

The subject lands are located within the Designated Greenfield Area per the Growth Plan. New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that: a) supports the achievement of complete communities; b) supports active transportation; and, c) encourages the integration and sustained viability of transit services.

Niagara Region Official Plan, 2022

The lands are designated as a Designated Greenfield Area within the Urban Area Boundary.

Policy 2.2.2.25 states designated greenfield areas will be planned as complete communities by:

- a) ensuring that development is sequential, orderly and contiguous with existing built-up areas;
- b) utilizing proactive planning tools in Section 6.1 and Section 6.2, as appropriate;
- c) ensuring infrastructure capacity is available; and
- d) supporting active transportation and encouraging the integration and sustained viability of public transit service.

Policy 2.2.1.1 states that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan (note: Pelham's intensification target is 25%);
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.



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Policy 2.3.1 provides the direction with regards to a mix a housing options and specifically Policy 2.3.1.1 states that the development of a range and mix of densities, lot, and unit sizes, and housing types, including affordable and attainable housing, will be planned throughout settlement areas to meet housing needs at all stages of life.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; and
- b) incorporating sustainable housing construction materials or practices, green infrastructure, energy

Town of Pelham Official Plan, 2014

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect natural heritage features.

The local Official Plan designates the subject land as 'Secondary Plan Area' with a 'Greenfield Overlay.' More specifically, the East Fonthill Secondary Plan designates these lands as either EF – Medium Density Residential, EF – Low Density Residential, Environmental Protection One or Environmental Protection Two according to Schedule 'A5'. The lands subject to the applicant are within the EF – Medium Density Residential and EF – Low Density Residential designations. The draft plan of subdivision has been reviewed previously and received prior approval for both the lotting and road network.

Policy A2.3.2 Urban Character – stated objectives of this Plan include:

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To encourage the intensification and use of the lands within the Fonthill Downtown core and to make every effort to improve its economic health by encouraging redevelopment and broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.

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- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

Policy B1.7.3.1 outlines the General Development Objectives of East Fonthill. These include, but are not limited to the following:

- *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;*
- *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;*

Policy B.1.7.4.2 provides that all development within the secondary plan area be generally consistent with the Urban Design Guidelines. Generally, the Urban Design Guidelines are intended to promote an appropriate and attractive built form within the Secondary Plan Area. Design principles are intended to provide a full range and mix of housing types, design a variety of streetscapes that maintain compatibility with surrounding uses, and ensure a human scaled environment.

The following guidelines apply to the proposed zoning by-law amendment:

- *Policy 3.2.1 Single Detached & Semi-Detached Houses - The main building face should be appropriately setback by 4.5 to 6.0 metres from the edge of the right-of-way. The setback may include the main building face as a main wall, second floor room over or beside the garage, or significant architectural element such as a verandah or roofed porch.*
- *Entry features and other architectural elements shall be incorporated into the front elevation of the house to reduce the visual dominance of the garage and the front drive. These entrance features, such as porches, stairs, and canopies may project into the required setback.*
- *Where garages are provided in the front yard, they shall be set behind or flush with the main building face, and the garage door shall not exceed beyond the main face.*
- *Attached garages must be a natural extension of the design, massing, and materials of the main dwelling.*

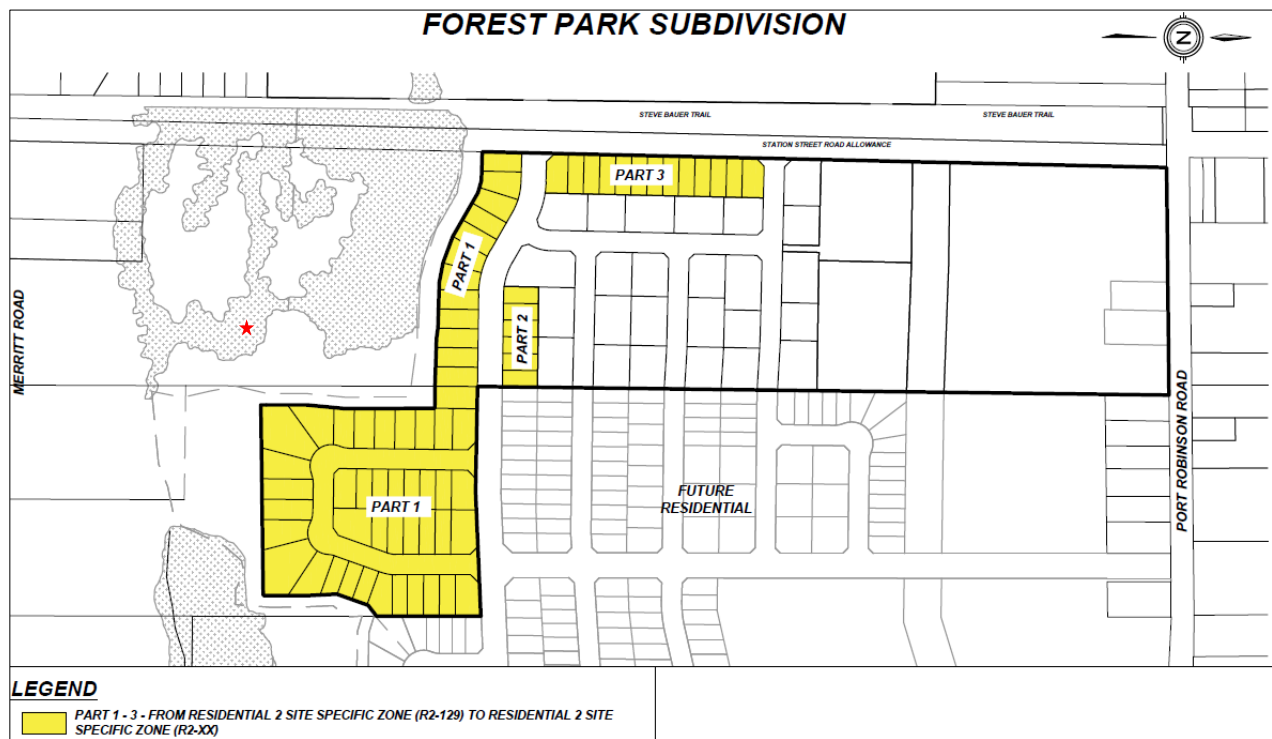
Generally, the guidelines aim to prioritize landscaping and architectural features over driveways to ensure that driveways and garages do not dominate lot frontages, and that new development contributes positively to the streetscape.

Town of Pelham Zoning By-law 4481 (2022)

The lands subject to the application are zoned R2-129.

The application applies only to the single detached dwellings within the Forest Park subdivision. Please refer to Figure 4 for the draft zoning by-law amendment schedule that illustrates the lands subject to the application. As mentioned, the application applies only to the single detached dwellings within the subdivision, namely lots 1-71.

Figure 4. Draft Zoning By-law Amendment Schedule prepared by Applicant



The site-specific zoning requested as part of the proposed Zoning By-law Amendment is provided below:

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Table 1. Proposed Zoning By-law Amendment

Regulations	R2-129 Regulation	Proposed Regulation
Minimum Rear Yard	6.0 metres	4.0 metres (for Lot 34 only).
Minimum Front Yard	4.0m to front face and 6.0m to garage	4.0 metres to front face and 6.0 metres to garage (the garage of the dwelling shall be a minimum of 0.6 metres behind the front face of the dwelling or covered porch).
Maximum Height	12.0 metres	13.0 metres
Max. Attached Garage Width	7.0 metres, or 50% of the lot frontage, whichever is less	50% of the lot frontage.
Max. Driveway Width	7.0 metres, or 50% of the lot frontage, whichever is less	50% of Lot Frontage for first 6 metres; and, 60% of Lot Frontage 6m behind the front lot line.
Definitions	LOT FRONTAGE means the horizontal distance between the side lot lines of a lot measured along the front lot line. a) Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage is determined from the lot centre line to a point 6.0m back from the front lot line measured horizontally at 90 degrees from the lot centre line between the side lot lines.	LOT FRONTAGE means the horizontal distance between the side lot lines of a lot measured along the front lot line. a) Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage is determined from the lot centre line to a point 7.5m back from the front lot line measured horizontally at 90 degrees from the lot centre line between the side lot lines.

The applicant has indicated the purpose of the application is to allow for greater flexibility on the design of the single detached dwellings related to driveway and garage widths. Amending the requested zoning provisions will facilitate wider driveways and garages for lots with three car garages.

The requested amendment to height is made to address the revised definition of building height in the new comprehensive zoning by-law. When measuring the height of a structure, the new definition entails measuring the height of a structure from a point at the average grade of the longest wall of the structure to the peak. Given the

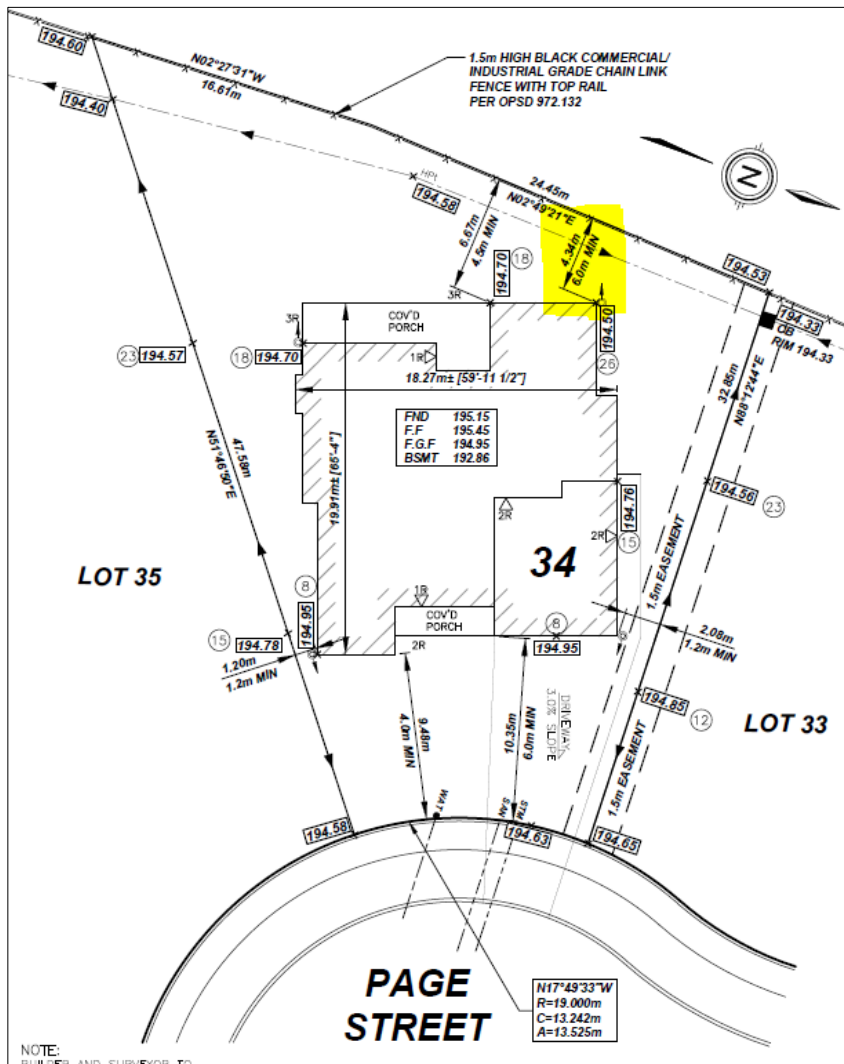
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new definition, the applicant has requested additional height to address potential conflicts where units with walkouts exceed the height requirement of 12 metres.

An additional site-specific provision has been included to address a rear yard pinch point for Lot 34, a pie-shaped lot (see Figure 5). The requested zoning relief is made to accommodate the proposed house on Lot 34, given its irregular dimensions. It is noted Lot 34 backs onto a natural area. Lot 34 is delineated with a red star on Figure 4 below.

Figure 5: Lot 34 Lot Grading Plan





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Submitted Reports:

The applicant provided digital copies of the following reports and plans in support of the application:

- Planning Justification Report prepared by Upper Canada Consultants;
- Lot Grading Plan for Lot 34 prepared by Upper Canada Consultants;

Copies of the reports are available through: <https://engagingpelham.ca/forestpark>

Agency Comments:

A pre-consultation meeting was held with the applicant and the owners on May 16, 2024. The applications were circulated to commenting agencies and Town Departments. At the time of writing, the following comments have been received:

Community Planning and Development

- Recommend the applicant request a variation to the definition of height rather than a blanket increase for all single detached dwellings to ensure compliance with Official Plan policy.

Public Works

- No side yard walkways will be permitted.
- All drainage swales must be kept clear of obstructions.
- Water services cannot be located within driveways.
- Curb cut and driveway aprons cannot be widened further than the approved 50% lot frontage.

Building

- No comment at this time; however, building permits will be required at time of application.

Enbridge

- Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

Public Comments:

On August 16, 2024 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, public notice signs were posted facing Port Robinson Road and Acacia Road.



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No public comments have been received at the time of writing of this report.

Staff Comments:

The purpose of this report is to provide the Council and the public with information regarding the application, applicable policies, and comments received. The purpose of the public meeting is to receive feedback and input from the public and for the applicant to respond to inquiries. Committee may also provide comments and suggestions for proposed changes to the application based on the public, agency or staff input and consistency with approved plans and policies. A future report will be presented to Council for decision once all feedback is received.

Alternatives:

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

Attachments:

Appendix A Agency Comments.

Prepared and Recommended by:

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