



**Community Planning and Development Department**

Wednesday, November 06, 2024

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

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2024-237 Recommendation Report – Application for Zoning By-law Amendment – Forest Park, for information;**

**AND THAT Council directs Planning staff to prepare the necessary Zoning By-law amendment for Council consideration at the next Regular Meeting of Council.**

**Executive Summary:**

The purpose of this report is to provide Council with a recommendation regarding the application for Zoning By-law Amendment for the development known as Forest Park. The application pertains to the single detached lot zoning regulations.

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:**

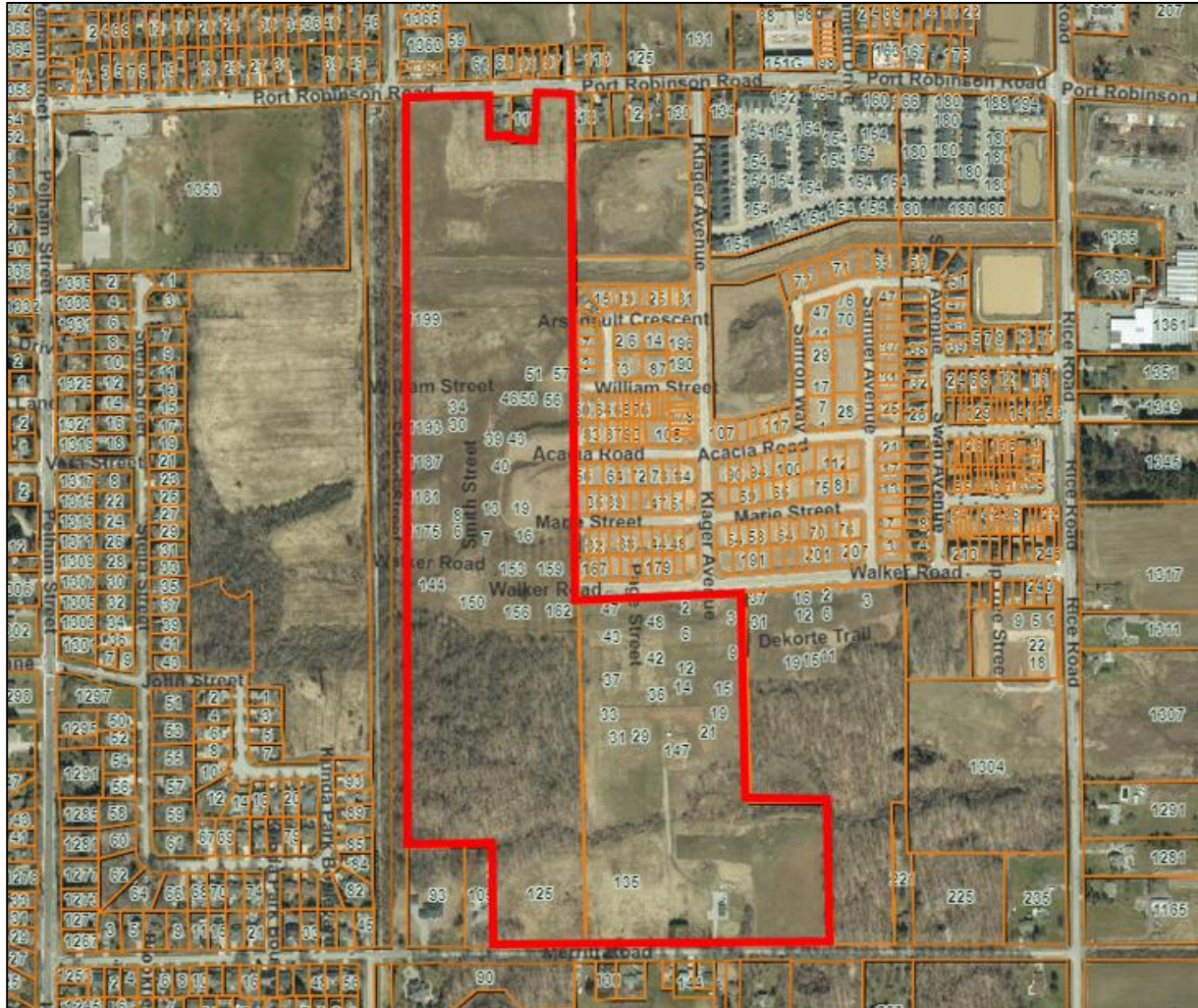
The property is located on the south side of Port Robinson Road east of the Steve Bauer Trail and north of Merritt Road (Figure 1). The lands are legally described as Part of Thorold Township Lots 171-172; Part 1 on RP 59R-728, Town of Pelham, Region of Niagara.

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,

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.

Figure 2: Final Forest Park Subdivision

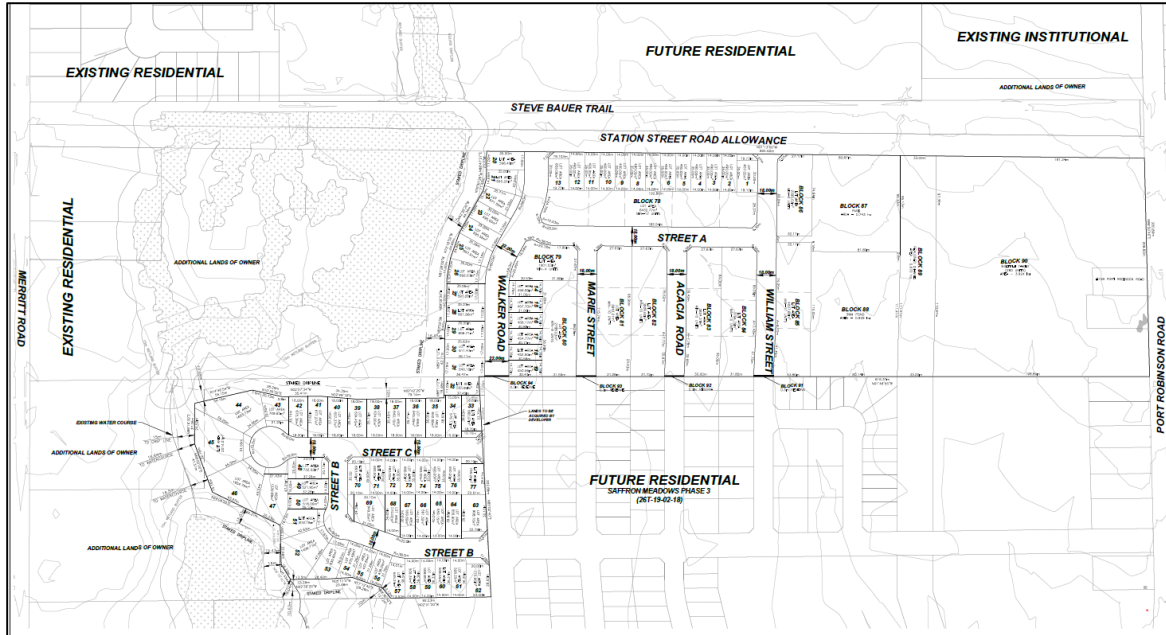
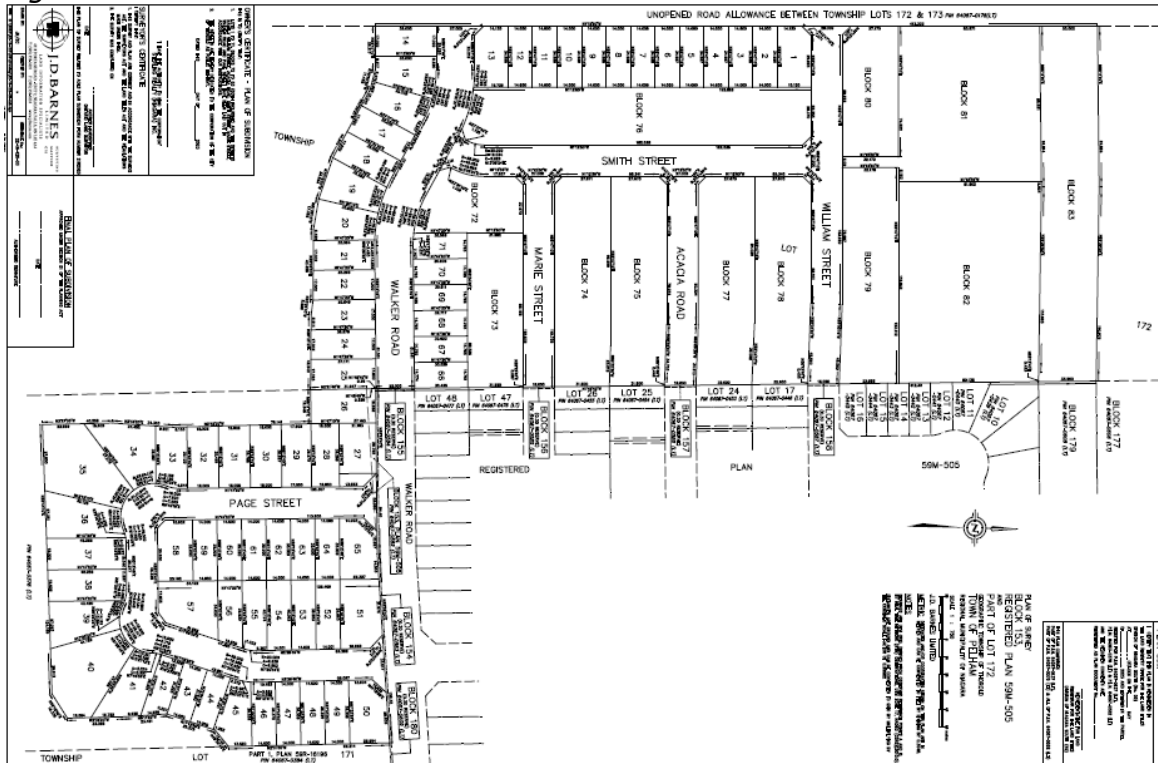


Figure 3. Phase 1 Forest Park Subdivision



The previous zoning by-law amendment application rezoned the subject lands from the Agricultural (A) zone to the Residential 2 – 316 (R2-316) zone in Zoning By-law 1136(1987) – now known as the R2-129 zone in Zoning By-law 4481(2022), as amended. The zoning change permitted the use of the subject property for single

detached dwellings as contemplated in the draft plan of subdivision. Currently, this portion of 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 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;
- Revised definition of finished grade: when used in reference to a building or structure, the elevation of the finished surface of the ground adjoining the principal entrance of the structure; 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 Planning Statement, 2024***

The Provincial Planning Statement (PPS), 2024 came into effect on October 20, 2024, and replaced the *Provincial Policy Statement (2020)* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*. Now a single policy document, the 2024 PPS consolidates, revises, and introduces several new policies and definitions that were not contained in the previous PPS, 2020, and carries forward and modifies policies and definitions from both the PPS 2020 and Growth Plan. All decisions on



*Planning Act* applications must be consistent with the new policy direction of the PPS, 2024.

The 2024 PPS places an emphasis on managing growth in urban areas. It encourages compact and efficient land use to reduce urban sprawl and support sustainable development. This includes promoting higher-density development in designated growth areas and revitalizing underused properties within urban boundaries.

The subject lands continue to be located within a Settlement Area. Generally, the 2024 PPS encourages an appropriate range and mix of housing options and densities to meet projected and current needs.

The document states that patterns within settlement areas should be based on densities and a mix of land uses that make efficient use of land, optimize existing and planned infrastructure, support active transportation, and are transit supportive.

Section 2.9 of the 2024 PPS supports the achievement of compact, transit-supportive, and complete communities.

The requested zoning by-law amendment will allow for appropriate development and add to the range of housing options in the Town, while providing design flexibility for the single detached building lots. The requested zoning revisions do not change the lot fabric or layout of the existing subdivision, but rather will revise minor zoning regulations relating to driveway and garage widths, and definitions related to height and lot frontage. The development can be accommodated by existing and planned infrastructure and public service facilities.

Staff are of the opinion the proposed Zoning By-law Amendment is consistent with the 2024 Provincial Planning Statement.

### ***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.

### ***Niagara Region Official Plan, 2022***

The lands are Designated Greenfield Area within the Urban Area Boundary in the Niagara Region Official Plan.

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.

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.

The development will continue to contribute to a range and mix of densities, lot, and unit sizes, and housing types across the Town. Staff are of the opinion the requested zoning revisions conform with the Region's Official Plan.

### ***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.
- 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. The requested zoning provisions are not anticipated to result in any negative impacts on the streetscapes. The proposed revisions are generally consistent with the urban design guidelines, in that the garage will continue to be setback from the main face of the dwelling, and the designs will contribute positively to the streetscape through the use of high-quality materials and landscaping.

Policy B1.7.7.3.2(d) Development Policies requires the maximum building height for any building within the EF-Low Density Residential designation to be 3 storeys, or 12.0 metres, whichever is less. The requested change to the definition of height will alter the way that height is measured on walk-out lots only. The dwellings will be 3 storeys or less.

Based on this information, the amendment conforms to the Town's Official Plan.

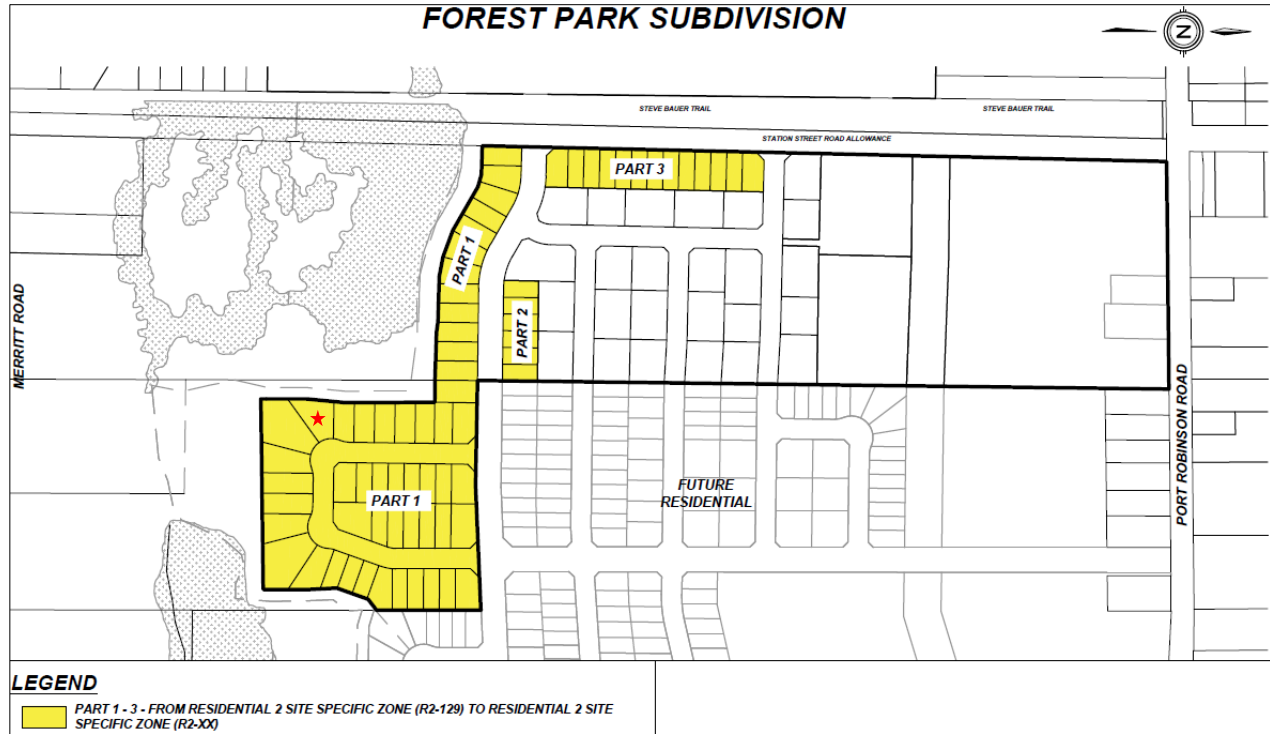
***Town of Pelham Zoning By-law 4481 (2022)***

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:

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).  |
| 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                | <b>LOT FRONTAGE</b> 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 | <b>LOT FRONTAGE</b> 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 <b>7.5m</b> back |

|  |  |   |
|--|--|---|
|  | from the front lot line measured horizontally at 90 degrees from the lot centre line between the side lot lines.   | from the front lot line measured horizontally at 90 degrees from the lot centre line between the side lot lines.  |
|  | <b>FINISHED GRADE</b> means when used in reference to a building or structure, the average elevation of the finished surface of the ground adjoining the base of the longest exterior wall of such building or, where there are two or more such walls, the exterior wall having the lowest average elevation, exclusive of any artificial embankment at the base of such structure. | <b>FINISHED GRADE</b> means when used in reference to a building or structure, the elevation of the finished surface of the ground adjoining the principal entrance of the structure. |

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. Effectively, the zoning by-law amendment will remove the 7.0 metre cap on driveway and driveway width and change how frontage is defined. The 50% maximum width will remain in place to ensure garages and driveways do not dominate the streetscape, given the larger lot frontages in the subdivision.

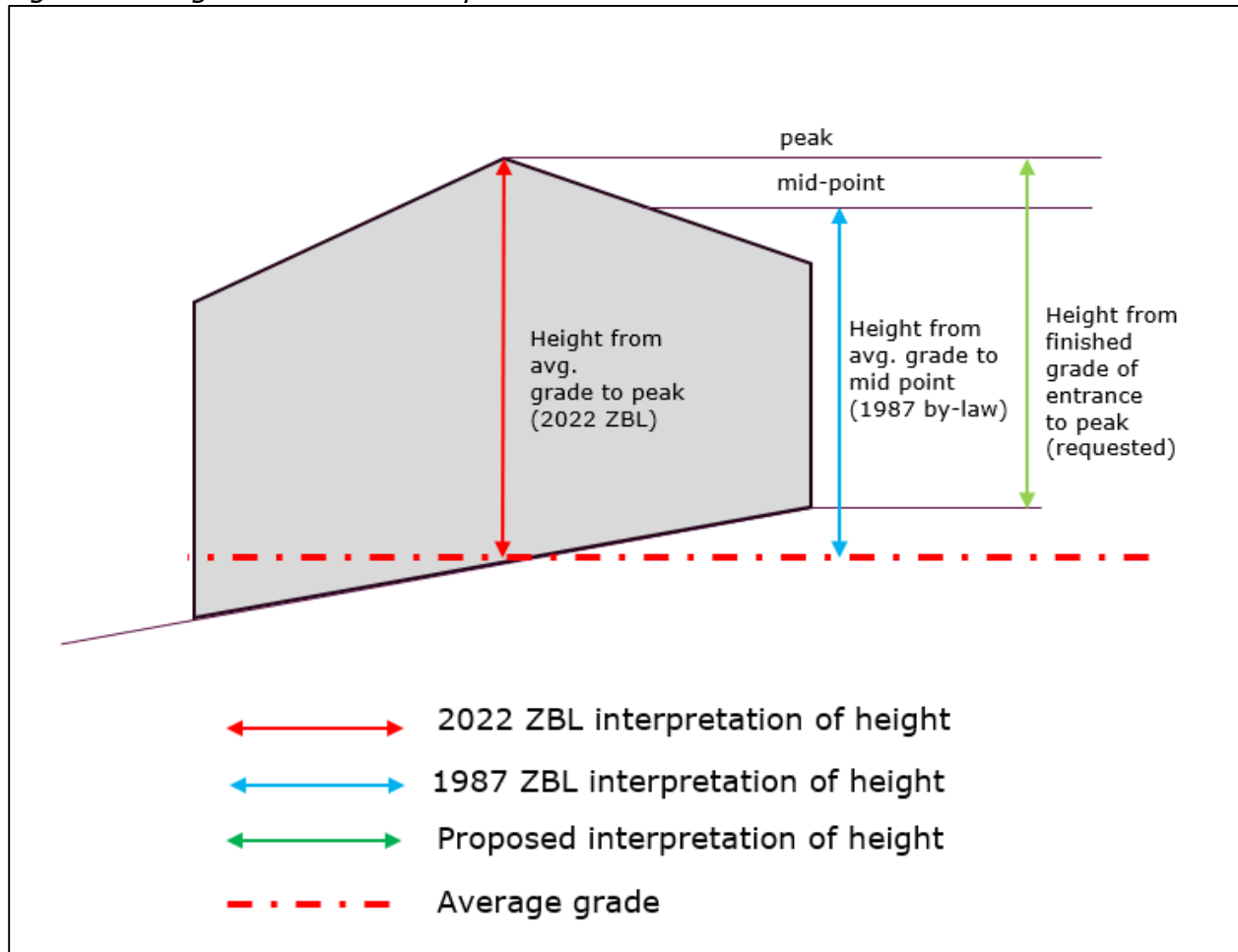
The requested amendment to the definition of height is made to address the revised definition of building height in the new comprehensive zoning by-law. When measuring the height of a structure, the new definition in the 2022 Zoning By-law entails measuring the height of the structure from a point at the average grade of the longest wall of the structure to the peak. Previously, under the Town’s 1987 Zoning By-law, height was measured from the average grade to the midpoint of the roof. This results in a situation where the two different definitions of height result in different calculations of height when calculating the height of the same structure, with the 1987 definition seemingly resulting in a lower height when compared to the 2022 definition. See Figure 5 for a visual comparison. From the streetscape, the height remains the same.

As height is currently measured from the average grade of a structure on the longest wall, the point from which the measurement is taken lower for walkout units as the average grade of the lot is below the street. As a result, walkout units are not able to meet the 12-metre height maximum. Given the new definition, the applicant originally requested additional height to address potential conflicts where units with walkouts exceed the height requirement of 12 metres. The applicant has revised the request to amend the definition of finished grade to measure height from the grade of the principal entrance of the structure to ensure conformity with B1.7.7.3.2(d) of the Official Plan

Staff would note that the height from the streetscape would not change as a result of the revised definition. Staff do not anticipate any issues in compatibility as a result

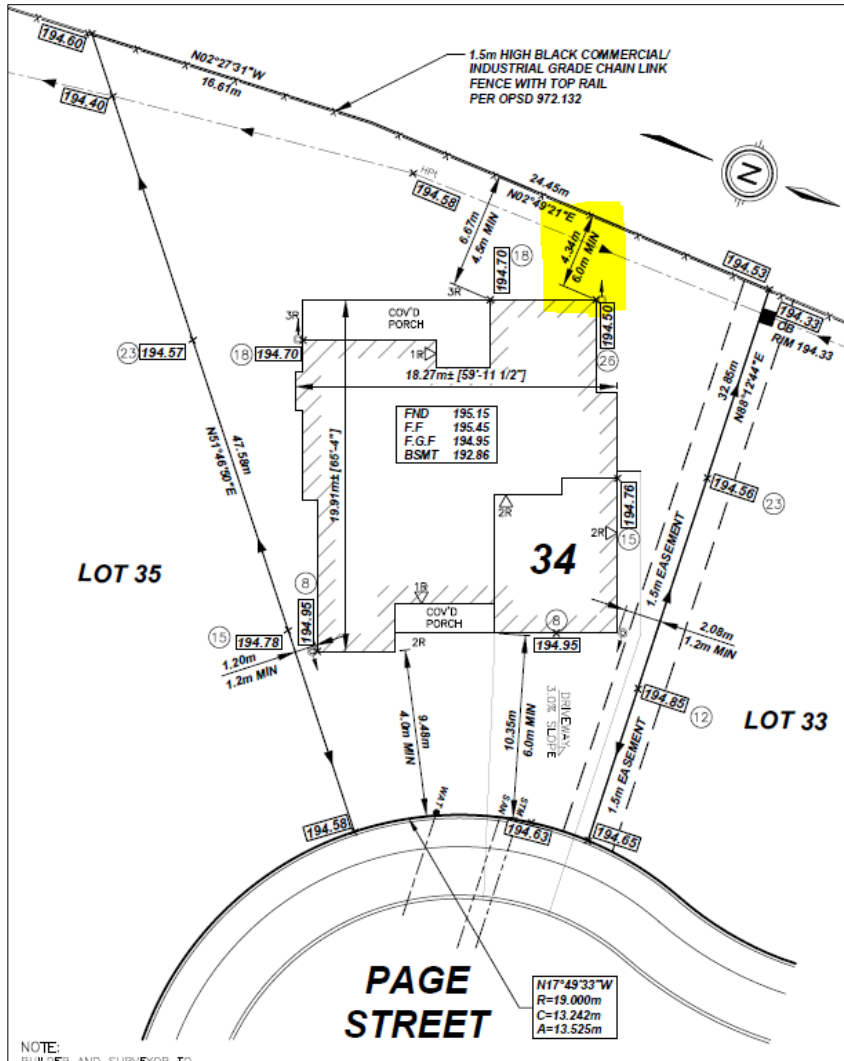
of the amended definition of finished grade. The proposed zoning by-law amendment will provide flexibility in design for lots with a walkout, while ensuring conformity with the Official Plan and being effectively unchanged from the permitted height currently contemplated in the zoning by-law.

Figure 5. Height Definition Comparisons



An additional site-specific provision has been included to address a rear yard pinch point for Lot 34, a pie-shaped lot (see Figure 6). 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. Lot 34 maintains a large rear yard amenity space, as it is a pie shaped lot. The lot backs onto a significant woodland and wetland that are zoned EP1, so issues related to privacy and compatibility are mitigated. Staff do not anticipate any issues in terms of compatibility of the reduction to the rear yard.

Figure 6: Lot 34 Lot Grading Plan



Given the analysis above, it is Planning staff's opinion that the requested site-specific zoning is appropriate and will not result in negative impacts to adjacent property owners.

**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:**

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 that impede side yard swales 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, a public notice sign was posted facing Port Robinson Road and Walker Roads.

The statutory public meeting was held on September 11, 2024. Three (3) members of the public attended the meeting. Members of the public provided no verbal or written comments.

## **Staff Comments:**

As discussed above, staff are satisfied that the proposed revised zoning regulations will not have a negative impact on the streetscape and are generally consistent with the urban design guidelines for East Fonthill. The proposed revisions to the zoning do not negatively impact the ability of the subdivision to implement the urban design criteria in the Official Plan and urban design guidelines for East Fonthill. The revisions will provide for flexibility in design for larger lots in the subdivision, while maintaining space for landscaping, and contributing to an attractive streetscape. Given the larger frontages across the subdivision, staff are satisfied the larger garages and driveways will not dominate the streetscape. The housing designs are proposed to maintain covered front porches, and other attractive architectural and landscape features that contribute to an attractive streetscape. The single detached lots will continue to

allocate at least 50% of the frontage to landscaping. The garages and driveways will continue to be proportional to the frontage of the lot, when compared with garage and driveway widths to lots with smaller frontages.

From a policy perspective, the proposed development represents an efficient use of land and is in conformity with the East Fonthill Secondary Plan. The proposed zoning relief is generally consistent with the urban design guidelines, and is compatible and in keeping with the character of the surrounding area.

In light of the above analysis, it is Planning staff's opinion that the proposed zoning by-law amendment is consistent with Provincial policy and plans, conforms to the Regional and Town Official Plans and represents good planning and therefore, should be approved.

**Alternatives:**

Council could choose not to approve the amendment to the Zoning By-law.

Council could choose to approve the application subject to modifications.

**Attachments:**

None.

**Prepared and Recommended by:**

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**Reviewed and Submitted by:**

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