

Town of Pelham Comprehensive Zoning By-law Comments – June 1st 2022

- There are a couple of areas in East Fonthill that look to be proposed as Agricultural (A) Zone according to Schedule 'C'. One of these areas is just north of the Summersides Village Subdivision. I am not sure if this is an oversight or perhaps the coloring is off and it is in fact another zone entirely?
- I understand the site-specific zoning for Summersides Village is going to Council on Monday. Is it the intent to insert the site-specific zoning after it is council approved and it comes into effect, as a site-specific provision under Section 9 of the new zoning by-law? I am not sure of the timing of the approval of the Town's new zoning but we should chat about how the Summersides Village approval factors into the process to ensure it is captured appropriately.
- **Section 2: Definitions – page 27 – Dwelling, Block Townhouse.** The proposed wording in this definition could be confusing and potentially limiting. I believe this definition applies to condominium townhouse developments and the intent of the definition is to limit the number of connected units in a block of townhouse, not to limit the number of units on a lot as a whole. The definition indicates that a group of no more than eight dwelling units be located on the same lot. When you read this, it sounds like you cannot have more than eight townhouses on one lot, rather than eight townhouses in a block. Let me know if I am reading this correctly?
- **Section 2: Definitions – page 33 – Garage Door Width** – The proposed definition does not allow flexibility to exclude decorative walls and columns between garage doors from the calculation of garage door width. This makes it challenging to achieve on narrow lots in newer subdivisions and may actually discourage builders from using architectural features to break up garage walls and instead encourage builders to use larger slab two car garage doors, rather than breaking up double car garages with a column or other decorative features with two separate garage doors. It is our experience in other municipalities that the decorative columns become an attractive feature to enhance the aesthetics of home design and should be encouraged and facilitated. This provision encourages the use of larger garage doors so that they can meet the maximum width requirements and it does not achieve the intent of trying to minimize the presence of the garage face based on our experience. We would suggest that the wording related to including intervening columns, doors, windows or wall sections which might separate two or more garage door openings be removed.
- **Page 34 – Height** – I believe the word 'of' in the second line should be 'or'
- **Section 2: Definitions – page 37 – Lot Coverage** – can you clarify, as it looks like uncovered decks are to be included in the calculation of lot coverage now. In our experience only covered decks would be included in lot coverage. Can you clarify, if this is the intent? We believe that un covered decks should be excluded as this would create the need for many minor variances to permit uncovered rear decks in the future.
- **Section 2 Definitions – page 39 – corner lot frontage on a radius.** Is this calculation different than how it is currently measured? This definition seems very technical and it could affect recently approved subdivisions that have not yet been registered. We are

having our surveyor confirm if the Summersides Village corner lots meet this definition so that we do not run into any zoning related issues at the time of registration.

- **Page 44** – Second definition – add ‘a’ to Garage
- **Section 3.7 Encroachments** – suggesting adding a separate encroachment for rear covered porches of 3metres, rather than 2 metres. The standard that most builders use for rear covered porches is 3mx3m, which makes the covered porches large enough to accommodate patio furniture. 2mx2m would not be large enough for a family table and chairs causing the need for minor variances.
- **Section 3.16 Landscaped Strips** – We have found that the requirement for 3.0-metre-wide landscape strips in urban areas makes it difficult to facilitate many forms of infill development on smaller lots. 3.0 metres is almost 10 feet. Taking 10 feet of useable space from an infill lot for landscaping is significant. Many municipalities are now requiring 1.5-metre-wide landscape strips, to provides appropriate space for landscaping to create a visual buffer, like a row of cedars or decorative grasses. It is our submission that this requirement be reduced to allow for more efficient development patterns in the urban boundary.
- **Section 3.24.1.2 Use Specific Parking Requirements** – Is the parking requirement for Single detached, semi-detached and townhouses being increased from what is required in the existing by-law? The existing zoning requires only 1 space per unit for these types of uses, whereas the proposed indicates 1.25 spaces. In the essence or reducing dependence on the automobile and promoting active transportation in the community, it is our submission that the parking requirements for these uses remain the same as the existing zoning by-law. The development that has taken place so far in East Fonthill is appropriate and has not triggered any parking issues and should therefore in our opinion be maintained as-is.
- **Section 3.24.1.3 – Calculation of Parking Requirements** – we would suggest that this be amended to indicate that if there is a ratio of parking required, anything below .5 is rounded down and any ratio of 0.55+ is rounded up to the next whole number. This will allow for more flexibility with infill development projects, where parking becomes the dictating factor in how many units can be permitted on a lot and will allow for a more efficient use of urban land.
- **Section 3.24.1.4 Dimensions of Parking Spaces/Aisles** – The minimum parking space width in the existing by-law is 2.4m. Is it the intent to increase the minimum width to 2.6m as proposed? We would suggest that this remains the same as the existing by-law for consistency and for the sake of allowing flexibility on small infill development lands.
 - Also, the Aisle widths – we suggest that this be modified to be consistent with section 3.24.1.8 Ingress and Egress, which reflects modern more efficient design standards. 6.0-metre-wide aisle for two-way traffic and 3.0m wide aisle for one way traffic.
- **Section 3.24.1.8 Ingress and Egress f)** – We have first hand experience in the challenges that this provision creates on lands that are zoned for more than one dwelling unit. For example, on the townhouses on Port Robinson Road, we could not build more than one block at a time as the lands had to be severed in order to meet the provision for

number of driveways even though the use was already permitted. This provision caused great delays, additional unnecessary work for the town in processing multiple severance applications and end up with the same product. If the multiple consent applications were not required, 6 townhouse units could have been brought onto the market immediately instead of almost a one-year gap between the two blocks to address a technical driveway matter. I would suggest the wording of this section be revised to include an exception for lands that are zoned to permit more than one dwelling unit or that the number of driveways be specified per lot instead of based on an arbitrary frontage number.

- **Section 3.24.1.8 Ingress and Egress J)** – Driveway width for a dwelling shall be 6.0m or 50% of the lot frontage, whichever is less. Can you clarify how this would work on corner lots on a radius, where the frontage of the lot is a lot smaller than a lot on a linear portion of the road. Will this provision make it difficult to have two car width driveways on corner lots because the frontage is much smaller or is there another way to deal with these types of lots?
- **Section 3.31 – Second Dwelling units i)** – the maximum size for a second dwelling unit is 75m², which is only about 800 square feet. This seems restrictive, is there an alternative size that can be considered?
- **Section 3.34 Special Setbacks** – we are concerned with a zoning by-law placing minimum setback requirements on features that are typically subject to the completion of scientific work that is used to determine the appropriate setback. It is our submission that setbacks to environmental features should be left up to the appropriate authority and should be based on the completion of scientific studies such as an Environmental Impact Study or a Slope Stability Study. Otherwise, minor variances and re-zoning applications will be required if a study determines a lesser setback is appropriate creating unnecessary delays in timelines to bring housing online.
- **Section 5.6 Residential Development Zone** – if someone owns a property in this zone and wishes to construct a permitted accessory structure, such as a garage, what provisions would apply to the accessory structures? There are provisions for Single detached dwellings but not for accessory structures. We had an experience in NOTL where an existing home owner in an RD zone wanted to construct an accessory garage and they had to do a zoning by-law amendment to permit it, which seemed excessive and opened him up potential appeals for a simple accessory structure.
- **Section 6** – have these zones disappeared? I no longer see these zones reflected on any of the proposed zoning maps. Will these zones be eliminated from the text of the by-law as well?
- **Section 7 – Village Commercial Zone** – We have recently acquired a parcel of land in the Village Commercial Zone (1415 Station Street) with intentions to develop stand alone multi-residential uses as is currently permitted in the Official Plan and Zoning By-law. The list of uses in the proposed Village Commercial Zone should include stand alone residential apartments as per the land use permissions in the Official Plan.
- **7.1.2 Zone Provisions c)** – as noted above, we believe that the minimum side yard or landscape strip for urban infill development should be more compact at 1.5 metres in

width in order to facilitate efficient use of urban lands, but still achieve appropriate separation and space to provide visual buffering.