

Town of Pelham - Comprehensive Zoning By-law review

Category	Zone	Section	Provision	Comment	Suggested Change
SECTION 5: RESIDENTIAL ZONES	Residential One Zone (R1)	Permitted Uses	Single Detached Dwellings; and, uses, buildings and structures accessory to the foregoing uses	Infill development opportunities maybe restricted by the permitted uses within this zone. A lower density zone such as Residential One Zone (R1) should permit other lower density uses such as Semi-detached units mirroring the permitted uses outlined in the Urban Living Area. If there is concern regarding these more dense unit types within this zone, then it may be worth exploring a provision that limits the percentage of them within the proposal. Consideration should also be given to including Second dwelling units.	Expand the permitted uses to include Semi-detached dwellings. Also give consideration to Second Dwelling units to achieve official plan conformity.
		Minimum Lot Frontage	15.0m, 17.0m on corner lot	Establishing the minimum lot frontage at 15m does not provide much opportunity to create more affordable infill development. Rather a 15m minimum lot frontage can be perceived as an inefficient use of urban lands.	Consider reducing the required minimum lot frontage to 12m
		Minimum Side Yard	1.2m and 3.0m on the other side. 1.5m on each side where carport or garage is attached.	A minimum side yard of 1.2m is typically for single-detached residential development. In our opinion requiring a 3m interior side yard setback on one side of the lot is excessive.	Reduce the side yard setback requirement to be 1.2m as per recent typical standards.
		Minimum Rear Yard	7.5m	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings, while providing an amenity area.	Reduce the minimum rear yard to 6.0m.
	Residential Two Zone (R2)	Permitted Uses	Single Detached Dwellings; Semi-detached dwellings; Duplex dwellings; and, uses, buildings and structures accessory to the foregoing uses	Infill development opportunities maybe restricted by the permitted uses within this zone. A lower density zone such as Residential Two Zone (R2) should permit other lower density uses such as Street townhouses s mirroring the permitted uses outlined in the Urban Living Area. This would allow intensification to take place in accordance with with other legislation and guidance implemented by the province. If there is concern regarding these more dense unit types within this zone, then it may be worth exploring a provision that limits the percentage of them within the proposal. Consideration should also be given to including Second dwelling units.	Include Street Townhouses and Secondary Dwelling units.
		Minimum Side Yard	1.2m and 3.0m on the other side. 1.5m on each side where carport or garage is attached.	A minimum side yard of 1.2m is typically for single-detached residential development. In our opinion requiring a 3m interior side yard setback on one side of the lot is excessive.	Reduce the side yard setback requirement to be 1.2m as per recent typical standards
		Minimum Rear Yard	7.5m	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings and providing an amenity area for those who reside there.	Reduce the minimum rear yard to 6.0m.
	Residential Zone 3 (R3)	Permitted Uses	Semi-detached dwellings; Duplex dwellings; Triplex dwellings; and, uses, buildings and structures accessory to the foregoing uses	Infill development opportunities maybe restricted by the permitted uses within this zone. A lower density zone such as Residential Three Zone (R3) should permit other lower density uses such as Single Detached units and Street townhouses. This would allow intensification to take place in accordance with with other legislation and guidance implemented by the province. If there is concern regarding these more dense unit types within this zone, then it may be worth exploring a provision that limits the percentage of them within the proposal. Consideration should also be given to including Second dwelling units.	Include Single Detached units, Street Townhouses and Secondary Dwelling units.
		Minimum Rear Yard	7.5m	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings and providing an amenity area for those who reside there.	Reduce the minimum rear yard to 6.0m.
		Permitted Uses	Triplex dwellings; Semi-detached dwellings; Duplex dwellings; Fourplex dwellings; Boarding house dwellings; Converted dwellings; Street townhouse dwellings; Block townhouse dwellings; and, Uses, buldings and structures accessory to the foregoing uses	The Residential Multiple One Zone (RM1) should also allow for a percentage of Single Detached units to be permitted in order to provide a variety and mix of housing types that appeal to multiple levels of income and the current market.	Consider adding a provision for a percentage of Single Detached units.

	Residential Multiple One Zone (RM1)	Street townhouse dwellings Minimum Lot Frontage	6.0m per dwelling and 9m per end unit	Requiring a minimum lot frontage of 9m for end unit street townhouse dwellings can be a challenge when designing subdivisions for denser forms of development. For example, a typical 20' end townhouse would be one third open space with a 9m lot frontage requirement and should this provision be in effect for a series of 20' townhouse blocks side by side, the opportunity for density and more affordability would be significantly reduced, by hindering the overall unit count. To promote more efficient use of land, the end unit townhouse should be required to have a 7.5m lot frontage.	Reduce the 9m lot frontage for an end unit townhouse to be 7.5m.
		Planting Strips	A planting strip of 1.5m minimum in width shall be provided where the boundary of a (RM1) zone abuts a (R1), (R2) or (R3) zone	This provisions should be removed altogether as it should only be required in the event that the use proposed is more dense than the abutting form. For example, two semi-detached units in different zones should not be required to include a planting strip, this would cause disruption of the streetscape and not promote efficient use of land.	We recommend removing this provision altogether as these uses are compatible.
		Minimum Rear Yard	7.5m	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings and providing an amenity area for those who reside there.	Reduce the minimum rear yard to 6.0m.
	Residential Multiple Two Zone (RM2)	Permitted Uses	Apartment dwellings; and, Uses, buildings and structures accessory to the foregoing uses	This zone should permit other forms of housing such as street townhouses and block townhouses. This would create an opportunity for a variety and mix of land uses appealing to multiple levels of the current market.	Consider permitting other uses in this zone, such as street townhouses, block townhouses and stacked townhouses.
		Minimum Side Yard	6.0m	More recent standard development practices suggest that one-half the building height is sufficient. Possibly revise to say one-half the building height or 6m, whichever is less.	Possibly revise to say one-half the building height or 6m, whichever is less.
		Minimum Rear Yard	12m	More recent standard development practices suggest that one-half the building height is sufficient. Possibly revise to say one-half the building height or 12m, whichever is less.	Possibly revise to say one-half the building height or 12m, whichever is less.
SECTION 3: GENERAL PROVISIONS	Parking Requirements	3.23.1.2 Use Specific Parking Requirements	Single Detached dwelling, Semi-detached dwelling, Duplex, Triplex, Fourplex, Block, Street or Stacked Townhouse - 1.5 parking spaces/unit (may include a parking space in a garage)	It appears that an increase in parking spaces/unit is proposed based on this provision. We do not support this increase from 1 space/unit to 1.5 spaces/unit, as there are restrictions on driveway and garage widths, which create an obstacle for providing additional parking. In particular for townhouses. We'd strongly suggest that 1 space/unit is adequate for Single detached, Semi-detached and Townhouse units.	Reduce the requirement to 1 space/unit.
		3.23.1.2 Other Permitted Residential Uses	1.25 spaces/unit, Minimum Bicycle Parking: 1 internal or external for every 5 units, plus 1 external space for every 20 units	Typical apartment standard in East Fonthill has been 1.15 spaces per unit. Given the approved developments in this area with a ratio of 1.15 spaces per unit, we believe that establishing this as the standard is appropriate. Strong consideration should be given to the wording requiring that internal bicycle parking be provided. "Internal bicycle parking" needs to be clearly defined.	Reduce the requirement to 1.15 spaces/unit and clearly define "internal bicycle parking".
		3.24.1.3 a) Calculation of Parking requirements	Where the minimum number of required parking spaces is calculated on the basis of a rate or ratio, the number of required spaces shall be rounded to the next higher whole number	Please provide some elaboration on this provision. It seems appropriate that a parking space ratio that is less than 0.5 spaces be rounded down to the next lower whole number and vice-versa for a ratio higher than 0.5 spaces.	Awaiting elaboration.
		3.24.1.8 Ingress and Egress	c.) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 m.	This provisions raises concern from the compact development standpoint. Some of our street townhouses are 6.0m in width and would nearly always result in an amendment or variance to this provision.	Consider revising this provision to contemplate narrow street townhouses.
		3.24.1.8 Ingress and Egress	f) Every lot shall be limited to the following number of driveways: i) 20 metres or less - only one driveway; ii) 20-30m of frontage - not more than 2 driveways; and iii) for each additional 20m of frontage - not more than 1 additional driveway	How would this provision affect street townhouses or semi-detached units that are in the final phases of construction on blocks and not yet divided by removal of part lot control?	Elaboration needed for us to fully understand the intent of this provisions and provide our comments.
		3.24.1.8 Ingress and Egress	j) Driveway width for a dwelling - 6.0m or 50% of the lot frontage, which ever is less	As noted above, limiting the width of driveways causes on-street parking issues. For the reasons already mentioned, this provision should revised or removed altogether.	Consider revising this provision or removing it altogether.
		3.24.1.10 Parking Area Surface	All parking areas in the urban area shall be maintained with a stable surface such as asphalt, concrete or similar type of permeable materials and shall also maintain a dust free condition.	Please elaborate on this provision.	Awaiting elaboration.

	7.26 Special Setbacks	3.24.1.13 Parking Area Location on Lot	Residential (except apartment dwelling) all required yards provided that no part of any dwelling and parking area, other than a driveway is located closer than 0.9m to any street line.	This provision would require driveways to be extended further back to create a legal parking space in the driveway. This would result in a long corridor at the front of the house to keep the house close to the street and have the garage set further back. Consideration should be given to having this provision removed altogether.	Remove provision altogether.
		3.33.1 Setback from Environmental Protection One (EP1) Zone	Notwithstanding any other provision in this By-law, no building or structure shall be located within 120 metres of any Environmental Protection One (EP1) Zone, except for lands in Fonthill as identified on Schedule C.	Special setbacks based on environmental zones should be removed from the zoning by-law all together. Not only are these matters that should be dealt with by the regulating authority/agency, but these are being proposed based on a one-size fits all approach without giving context to the site characteristics. Further evaluation should be done by a land owner and their consulting environmental scientist through an EIS for a proper analysis and evaluation of the features to inform their recommendations for related setbacks and buffering. These setback provisions are onerous and will no doubt cause significant obstacles in developing designated land abutting these features and zones.	Remove provision altogether.
		3.33.2 Setback from Environmental Protection Two (EP2) Zone	Notwithstanding any other provision in this By-law, no building or structure shall be located within 50 metres of any Environmental Protection Two (EP2) Zone.		Remove provision altogether.
		3.33.3 Setback from Environmental Protection Three (EP3) Zone	Notwithstanding any other provision in this By-law, no building or structure shall be permitted to locate within 120 metres of any Environmental Protection Three (EP3) Zone, with the exception that new agricultural buildings and structures are permitted within the 120 metres of an Environmental Protection Three (EP3) Zone, provided such buildings or structures maintain a 30 metre setback from the Environmental Protection Three (EP3) Zone.		Remove provision altogether.
SECTION 2: DEFINITIONS		Compatible Development	means a development that is not the same as or even similar to existing development in proximity. Compatible development is development that enhances the character of the existing community without causing any undue adverse impact on adjacent properties.	This is a definition that we believe should be omitted from the proposed zoning by-law. Compatibility should be defined in the Official Plan, as this is largely open to interpretation and consistency of this interpretation could be significantly hindered on site-by-site basis depending on the reviewer.	Remove provision altogether.
		Dwelling, Street Townhouse	means a townhouse dwelling which has direct access and frontage along a public street. Each dwelling unit may be located on a separate lot.	This definition should include "Back to Back Townhouses" and may be defined as either street or block townhouses, which have no rear yard or building setback therefrom.	Definition to include back to back townhouses.
		Finished Grade	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.	We think that this definition should provide further clarification with regards to how finished grade is determined for low-rise housing (singles, semis and townhouses) and medium/high-rise housing. Low-rise housing should have the finished grade measured at the front yard to avoid issues when constructing walkout or lookout units.	Clarification requested for different unit styles (low, mid and high rise).

		Lot Frontage	means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line 7.5 m back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two (2) points where the side lot lines intersect the front lot line.	Clarification should be provided for this definition in the event that a pie shaped lot around a bend is measured at 7.5m from the front lot line, but the garage is within 7.5m of the lot line. Will the driveway width be determined based on the lot frontage determined at the 7.5m measurement from the front lot line.	Clarification requested.
SECTION 6: GREENFIELD DEVELOPMENT ZONES	Greenfield Development Residential One Zone (GF-R1)	Permitted Uses	Permitted Uses: • Single Detached Dwellings; • Semi-Detached Dwellings; • Duplex Dwellings; and, • Triplex Dwellings.	This zone should permit street townhouses in addition the proposed permitted uses. This would ensure conformity with the EF- Low Density Residential section of the Official Plan and provide a range and variety of housing types. If there is a form of housing that is not viewed as ideal in this zone, then a solution may be restrict the percentage of this housing type.	Expand the permitted uses to include Street Townhouse Dwellings. Also give consideration to Second Dwelling units to achieve official plan conformity.
		Lot Frontage	The minimum lot frontage shall be 12.0m, with a minimum lot frontage of 15.0m for corner lots.	A minimum lot frontage of 12m is limiting with regards to the single detached unit types that appeal to all levels of the market. It's important to consider that while 12m (40') single detached lots are typical in developments, there is also a demand from the market for more affordable singles, such as 11m (36') single detached lots and 10m (32') single detached lots. In addition, requiring that corner lots have a frontage of 15m is not ideal for the same reasons listed above compounded by the reality that it is not efficient use of urban developable land. Consideration should be given to that the corner lot frontage should be a minimum of 13m.	Consider reducing the required minimum lot frontage to 10m and the required corner lot frontage to 13m to allow for a variety of single detached unit types that appeal to multiple levels of the market.
		Lot Depth	The minimum lot depth shall be 32.0m.	A minimum lot depth of 32m is excessive and should strongly consider reduction to 28m to ensure more compact and consistent development, while efficiently utilizing urban land.	Reduce the minimum lot depth to 28m, as the main lot area is met.
		Rear Yard Setback	The minimum rear yard setback shall be 7.5m.	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings and providing an amenity area for those who reside there.	Reduce the minimum rear yard to 6.0m.
		Garages	The garage door shall be set back a minimum of 6.0m from the front lot line, or corner side yard lot line. The garage door width shall not exceed a maximum of 50% of the width of the lot or 6.0m, whichever is less, or, if facing the corner side lot line, a maximum of 20% of the lot depth.	This is a challenge in current housing design as the market desires double car garages to suit their desired double car driveways. This is largely because of the number of vehicles that a typical family owns has drastically increased, but also because the garage and driveway has become an amenity area (e.g. basketball hoops, hockey nets etc.). Requiring the garage width to be a maximum of 50% of the lot frontage significantly impacts that storage and amenity space in particular for townhouses that are 7m in width. Consideration should be given to increase this percentage to 65% to at a minimum accommodate one and a half car garages.	Increase the maximum garage door width to 65%.
		Porches and Steps	Porches and associated steps may encroach to within 1.0m of the front lot line and/or the corner side yard lot line. Porches must have a minimum depth of 2.0m.	Consider reducing the minimum depth of a porch to 1.5m. This is typical in most developments and provides adequate space for chairs, a lounge chair and other smaller outdoor furniture.	Consider reducing minimum porch depth to 1.5m.
		Permitted Uses	Permitted Uses: • Street Townhouses.	Consideration should be given to include semi-detached units in the permitted uses for this zone. Often in townhouse developments there are bends in a road that result in narrow blocks that can't accommodate a townhouse block, but rather can be efficiently used by a constructing a semi-detached unit.	Consider including semi-detached units in the permitted uses for this zone.
	Street Townhouse with Attached Garage: Building Height	The maximum building height shall be 17.0m, or 5 storeys, whichever is less.	This may be an error, 5 storeys for a townhouse seems excessive.	Could this be an error?	
	Street Townhouse with Attached Garage: Rear Yard Setback	The minimum rear yard setback shall be 7.5m.	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings and providing an amenity area for those who reside there.	Reduce the minimum rear yard to 6.0m.	
		Greenfield Development Residential			

	Greenfield Development Residential Two Zone (GF-R2)	Street Townhouse with Attached Garage: Garages	The garage door shall be set back a minimum of 6.0m from the front lot line. The garage door width shall not exceed 50% of the width of the lot or 6.0m, whichever is less, or if facing the corner side lot line, a maximum of 20% of the lot depth.	This is a challenge in current housing design as the market desires double car garages to suit their desired double car driveways. This is largely because of the number of vehicles that a typical family owns has increased, but also because the garage and driveway has become an amenity area (e.g. basketball hoops, hockey nets etc.). Requiring the garage width to be a maximum of 50% of the lot frontage significantly impacts that storage and amenity space in particular for townhouses that are 7m in width. In our experience, limiting the width of a driveway results in a on-street parking problem as well. Consideration should be given to increase this percentage to 65% to at a minimum accommodate one and a half car garages.	Increase the maximum garage door width to 65%.
		Street Townhouse with Rear Lane: Arterial and Collector Roads	Townhouses abutting arterial and collector roads shall be accessed by a rear laneway.	This provision should be deleted as this does not provide any flexibility to the developer in their subdivision design and will ultimately be reviewed during the planning approval process.	Remove provision altogether.
	Greenfield Development Residential Three Zone (GF-R3)	Block Townhouse Dwelling: Building Height	The maximum building height shall be 17.0m or 5 storeys, whichever is less.	This may be an error, 5 storeys for a townhouse seems excessive.	Could this be an error?
		Block Townhouse Dwelling: Rear Yard Setback	The minimum rear yard setback shall be 7.5m.	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings and providing an amenity area for those who reside there.	Reduce the minimum rear yard to 6.0m.
		Block Townhouse Dwelling: Lot Depth	The minimum lot depth shall be 32.0m.	A minimum lot depth of 32m is excessive and should strongly consider reduction to 28m to ensure more compact and consistent development, while efficiently utilizing urban land.	Reduce the minimum lot depth to 28m.
		Permitted Uses	Permitted Uses: <ul style="list-style-type: none"> • Apartment Dwellings; • Block Townhouses; and, • Stacked Townhouses. 	Street townhouses and semi-detached units should permitted within this zone in addition the uses listed. This would encourage a range and mix of uses while ensuring efficient use of land during site design.	Consider including semi-detached units and street townhouses in the permitted uses.