

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 2107 (1999)

Being a by-law to amend Zoning By-law No. 1136 (1987), as amended

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, as amended, provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Town of Pelham deemed it to be in the public interest that By-law 1136 (1987), as amended by By-law 1356 (1990), be amended by By-law 2107 (1999) which was accordingly passed on the 20th day of September, 1999;

AND WHEREAS the Ontario Municipal Board on October 29, 1999, convened a Mediation Hearing respecting certain objections to By-law 2107 (1999) and the Decision of the Committee of Adjustment respecting Minor Variance Application A-17/98 which resulted in the direction of the Ontario Municipal Board that this by-law be presented to said Board for such determination as it may order.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. THAT the lands identified on Schedule "A" attached hereto be and are hereby zoned as Residential Multiple 1 "RM1-97" Zone and Hazard "H" Zone.
2. THAT Section 30 - Exceptions of By-law No. 1136 (1987) is amended by deleting the existing "RM1-97" Zone and substituting the following exception:

"RM1-97 Notwithstanding the provisions of Section 16 of the Residential Multiple 1 RM1 Zone the following apply:

(a)	<i>Permitted Uses</i>	<i>Block townhouse dwellings</i>
(b)	<i>Minimum Lot Frontage</i>	<i>30m</i>
(c)	<i>Minimum Lot Area</i>	<i>2000m²</i>
(d)	<i>Maximum Number of Dwelling Units</i>	<i>20</i>
(e)	<i>Minimum Front Yard</i>	
	i) <i>Concord Street</i>	<i>4.5m</i>
	ii) <i>Internal Roadway</i>	<i>3.0m from dwelling unit 6.0m from garage</i>
(f)	<i>Minimum Side Yard</i>	<i>4.5m, except that where the rear of a building faces the side yard the minimum side yard shall be 7.5m</i>
(g)	<i>Minimum South-East Side Yard</i>	<i>6.0m</i>
(h)	<i>Minimum Rear Yard</i>	<i>7.5m</i>
(i)	<i>Maximum Building Height</i>	<i>10.5m</i>
(j)	<i>Minimum Ground Floor Area for a Dwelling:</i>	
	i) <i>one storey</i>	<i>88m²</i>
	ii) <i>two storey</i>	<i>50m²</i>

(k) *DISTANCE BETWEEN BUILDINGS on the same lot:*

A FACE OF A BUILDING MEANS one or other of the longest walls of a building. Each building shall be deemed to have two faces.

A SIDE OF A BUILDING MEANS one or other of the shortest walls of a building. Each building shall be deemed to have two sides.

Any face of one townhouse shall be no closer to any side of another townhouse than 9m.

Any face of any townhouse shall be no closer than 15m to any face of another townhouse.

Any side of any townhouse shall be no closer than 9m to any side of another townhouse.

(l) *Minimum Landscaped Area* 25 percent

(m) *Planting Strip* A planting strip of 1.5m minimum in width shall be provided where the boundary of the RM1-97 Zone abuts an R1 Zone

(n) *Amenity Area* An amenity area 80m² in size shall be centrally located to the majority of the dwelling units

(o) *Internal Roadway Width* 6.0m

(p) *Balcony Encroachment* Balconies may encroach into the westerly side yard an additional 1.0m more than that required by Section 6.35(c)

(q) *Where the lands adjacent to the lands zoned RM1-97 Zone are zoned Hazard, private passive yard use incidental to a permitted use in the abutting RM1-97 Zone is permitted and for the purpose of this subsection a private passive yard use is defined as a natural or landscaped area, used for passive amenity purposes but does not include a building, structure, swimming pools, parking lot or active recreational use.*

(r) *Lots with more than One Zone*

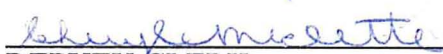
(i) *Where a lot is divided into two or more zones, each such portion of the said lot shall be used in accordance with the provisions of this By-law which are applicable to the zone wherein such portion of the said lot is located.*

(ii) *For the purpose of determining required yard setbacks, the provisions of the said zone in which a building or structure is to be erected shall apply and shall be measured from the zone line.*

3. THAT this By-Law shall come into force and take effect pursuant to Sections 34(21) and 34(30) of the Planning Act, R.S.O. 1990, as amended.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
20TH DAY OF SEPTEMBER, 1999 A.D.


MAYOR


DEPUTY CLERK