

THE CORPORATION OF THE

TOWN OF PELHAM

BY-LAW NO. 3070 (2009)

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 General Committee, Planning Services Division, of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

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

1. THAT Schedule 'A5' to Zoning By-law No. 1136 (1987), as amended, is hereby amended by rezoning the lands identified as the subject lands on Schedules 'A' and 'B', attached hereto and forming part of this By-law, as follows:

Part 1 from a Residential 1 R1 Zone to a Residential 3 R3-221 Zone;
Part 2 from a Residential 1 R1 Zone to a Residential Multiple 1 RM1-126 Zone.

2. THAT Section 30 - Exceptions of By-law No. 1136 (1987) is amended by adding the following subsection:

"R3-221 Notwithstanding the provisions of Subsection 15.2(c) of the Residential 3 R3 Zone, the maximum lot coverage for a semi-detached dwelling shall be 40%."

3. THAT Section 30 - Exceptions of By-law No. 1136 (1987), as amended, is hereby amended by deleting subsection RM1-126 and by adding the following subsection:

"RM1-126 Notwithstanding subsection 6.35(c) and the permitted uses and regulations of the Residential Multiple 1 RM1 Zone, lands identified as RM1-126 on Schedule 'A5' shall be subject to the following provisions:

- (a) Permitted Use Block townhouse dwellings
- (b) Minimum Lot Frontage 30 metres
- (c) Minimum Lot Area 2000 square metres
- (d) Maximum Number of Dwelling Units 11
- (e) Minimum Setback from Line Avenue 2 metres

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| (f) | Minimum Side Yard | 1.2 metres |
| (g) | Minimum Rear Yard | 3 metres |
| (h) | Maximum Building Height | 8.5 metres |
| (i) | Minimum Landscaped Area | 25% |
| (i) | Minimum Internal Roadway Width | 6 metres |
| (j) | Minimum Setback Between Front of Unit and Internal Road | 2 metres for a dwelling unit and 5.3 metres for an attached garage |
| (k) | Minimum Setback Between Side of Unit and Visitor Parking" | 1 metre |

4. 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
14TH DAY OF DECEMBER, 2009 A.D.


MAYOR


CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 3070 (2009)

The property is located at the northwest corner of the intersection of Line Avenue and Quaker Road and has frontage on both municipal roads. The lands are legally described as part of Lot 177, former Township of Thorold, Town of Pelham.

The subject lands are currently zoned Residential 1 R1 and Residential Multiple 1 RM1-126 according to Zoning By-law No. 1136 (1987), as amended.

The By-law rezones a portion of the lands (Part 1) from Residential 1 R1 to Residential 3 R3-221 to facilitate development of a semi-detached dwelling. The R3-221 provision permits an increase in maximum lot coverage from 35% to 40%

The By-law also rezones lands (Part 2) from Residential 1 R1 to Residential Multiple 1 RM1-126 to accommodate development of a block townhouse proposal in combination with lands immediately east. In addition, the By-law replaces special provision RM1-126 with site specific requirements to accommodate the development proposal.