

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 3294 (2012)

Being a by-law repeal and replace By-law 3284 (2012), being a by-law to amend Zoning By-law No. 1136 (1987), as amended. (Rittenhouse Estates)

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 and Development 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;

AND WHEREAS Council previously approved By-law No. 3284 (2012) and said By-law was not properly circulated within fifteen days of Council's approval as required by the Planning Act;

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

1. THAT By-law No. 3284 (2012) be and is hereby repealed and replaced;
2. 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 Schedule 'A', attached hereto and forming part of this By-law as follows:

Part 1 from General Commercial GC-89 Zone to Residential 2 R2-228 Zone;
Part 2 from Open Space OS Zone to Residential 2 R2-228 Zone;
Part 3 from General Commercial GC-89 Zone to Residential Multiple 1 RM1-229 Zone; and
Part 4 from Open Space OS Zone to Residential Multiple 1 RM1-229 Zone.

3. THAT Section 30 (Special Exceptions) to Zoning By-law No. 1136 (1987), as amended, is hereby amended by deleting subsection GC-89 and by adding the following subsection:

"GC-89 Notwithstanding the permitted uses and regulations of the General Commercial GC Zone, lands identified as GC-89 on Schedule 'A5' shall be subject to the following:

- (a) Permitted uses:

professional and business offices;
restaurants;
retail stores;
service shops;
barber shops;
beauty salons;
clinics;
custom workshops;
day nursery;
dry cleaning outlet;
banks and trust companies;
undertaking establishments;

- (b) uses, buildings and structures accessory to the foregoing permitted uses;

- (c) maximum of 20 dwelling units above the ground floor;
- (d) Notwithstanding subsection 20.2(d) of the General Commercial GC Zone, the maximum gross floor area for the commercial uses shall be limited to 50% of lot area;
- (e) Notwithstanding subsection 20.4 of the General Commercial GC Zone, the following regulations for residential use shall apply:
 - (i) Not more than 72% of the gross floor area shall be used for dwelling units.
 - (ii) Dwelling units shall only be permitted above the ground floor of any commercial use.
 - (iii) Minimum floor area per dwelling unit:
 - (a) Bachelor 40 m² (430.57 ft²)
 - (b) One bedroom 50 m² (538.21 ft²)
 - (c) Two bedroom 60 m² (645.86 ft²)
- (f) Notwithstanding subsection 20.4 of the General Commercial GC Zone, the minimum landscaped amenity area of 51.85 m² (558.11 ft²) shall be provided for each dwelling unit"

4. THAT Section 30 - Exceptions of By-Law No. 1136 (1987), as amended, be changed by adding the following exception:

"R2-228 Notwithstanding subsections 14.2(d), 14.2 (e) and 14.2(f) of the Residential 2 R2 Zone, lands identified as R2-228 on Schedule 'A5' shall be subject to the following provisions:

- (a) Minimum Front Yard Setback 6 m (19.69 ft)
- (b) Minimum Interior Side Yard 1.39 m (4.92 ft) on one side and 3 m (9.84 ft) on the other side where there is no carport or garage attached, or 1.39 m (4.92 ft) on both sides where a carport or garage is attached
- (c) Minimum Exterior Side Yard 3.5 m (11.48 ft) for a single detached dwelling and 6 m (19.69 ft) for an attached garage"

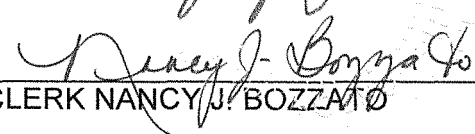
"RM1-229 Notwithstanding subsections 16.3(d), 16.3(e) and 16.3(f) of the Residential Multiple 1 RM1 Zone, lands identified as RM1-229 on Schedule 'A5' shall be subject to the following provisions:

- (a) Minimum Front Yard Setback 6 m (19.69 ft)
- (b) Minimum Exterior Side Yard 4.5 m (14.76 ft)
- (c) Minimum Interior Side Yard 1.5 m (4.92 ft)"

5. THAT this By-Law shall become effective from and after the date of passing thereof 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
17TH DAY OF SEPTEMBER, 2012 A.D.


MAYOR DAVE AUGUSTYN


CLERK NANCY J. BOZZATO

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 3294 (2012)

This By-law involves a parcel of land located on the east side of Pelham Street, municipally known as 1145 Pelham Street. The lands are legally described as part of Township Lot 177, former Township of Thorold, now Town of Pelham.

This By-law repeals and replaces By-law No. 3284 (2012) in consideration of the fact that the By-law was not properly circulated within fifteen (15) days of Council approval as required by the Planning Act.

The subject lands are currently zoned General Commercial GC-89 and Open Space OS according to Zoning By-law No. 1136 (1987), as amended. The By-law rezones the lands in order to accommodate the development of a reduced commercial block and the extension of development within the Lot 177 Secondary Plan Area.

File No. AM-01/12
Owner: 937776 Ontario Inc. (Mike Hassani)
Planning Report No.: P-21/12