

THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW #3494(2014)

**Being a by-law to amend Zoning By-law No. 1136 (1987), as amended, for lands located on the west of Rice Road, south of Merritt Road (Pt Twp Lot 175 RP59R4084, Part 1; Pt Twp Lot 175 RP 59R2791, Part 2; and, Pt Twp Lot 175 RP 59R13251, Part 1) to rezone the lands from Agricultural (A) zone to site specific Residential R2-243 and Agricultural (A) zone to site specific Open Space OS-244 and to Repeal and Replace By-law No. 3487 (2014).**

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 Committee of the Whole of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS it is necessary that the enacted By-law # 3487 (2014), Schedule A and B, be repealed and replaced by By-law #3494(2014) due to the clarification of zone boundaries in the Schedules.

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 Agricultural (A) zone to Site Specific Residential R2-243; and  
Part 2: From Agricultural (A) zone to Site Specific Open Space OS-244.

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

"R2-243 Under the Definitions Section of By-Law No. 1136 (1987), Section 5.55 (b) is amended to:

"Accessory Dwelling Unit means a dwelling unit accessory to a permitted use."

Notwithstanding the Section 6 of the General Provisions, Section 6.1 (b), (c) and (d) is amended and the lands identified as R2 -243 shall be subject to the following provisions:



<u>Garages/Accessory Units</u>	<u>Dwelling With Attached Garage</u>	<u>Dwelling With Detached Garage</u>
Maximum garage width (% of lot frontage)	50%	50%
Minimum garage setback to front lot line or exterior lot line	6 m / 19.7 ft	6 m / 19.7 ft
	<u>Dwelling With Attached Garage</u>	<u>Dwelling With Detached Garage</u>
Minimum garage setback to interior lot line	1.2 m / 3.9 ft	1.2 m / 3.9 ft
Minimum garage setback to rear lot line	1.2 m / 3.9 ft	1.2 m / 3.9 ft
Maximum garage projection from front face of dwelling	1.5 m / 4.9 ft	1.5 m / 4.9 ft
Maximum garage height (to interior ceiling height)	-	3 m / 9.8 ft
Maximum accessory dwelling unit height (to interior ceiling height)	-	6 m / 19.7 ft

Notwithstanding the Section 6 of the General Provisions, Section 6.35 (c) is amended and the lands identified as R2 -243 shall be subject to the following provisions:

	<u>Dwelling With Attached Garage</u>	<u>Dwelling With Detached Garage</u>
No encroachment zone (from front lot line or from flanking lot line)	2.5 m / 8.2 ft	2.5 m / 8.2 ft
Minimum porch depth (front porch)	2 m / 6.6 ft	2 m / 6.6 ft

Notwithstanding the provisions under Section 14.1 of the Residential 2 (R2) Zone, 14.1 is amended by adding the following permitted use:

- (d) One accessory dwelling unit

Notwithstanding the provisions under Section 14.2 of the Residential 2 (R2) Zone, the lands identified as R2-243 shall be subject to the following provisions:

	<u>Dwelling With Attached Garage</u>	<u>Dwelling With Detached Garage</u>
<u>Lot Size</u>		
Minimum lot frontage	15 m / 49.2 ft	15 m / 49.2 ft
(b) Minimum lot frontage (corner lot)	18 m / 59.1 ft	16 m / 52.5 ft
Minimum lot depth	32 m / 104.9 ft	32 m / 104.9 ft
<u>Yards</u>		
(d) Minimum front yard	4.5 m / 14.8 ft	4.5 m / 14.8 ft
(e) Minimum interior side yard	1.2 m / 3.9 ft	1.2 m / 3.9 ft
(f) Minimum exterior side yard	3 m / 9.8 ft	3 m / 9.8 ft
(g) Minimum rear yard	7.5 m / 24.6 ft	10.5 m / 34.4 ft



Building Height


(h) Maximum building height      10.5 m / 34.4 ft      10.5 m / 34.4 ft

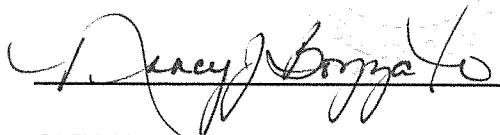
OS-244      Notwithstanding the provisions under Section 26.1 (a) of the Open Space (OS) Zone, the lands identified as OS-244 shall be subject to the following provisions:

No buildings or structures, including but not limited to, storage sheds, garages, pool houses, swimming pools, decks and gazebos, shall be permitted on the lands as they are under environmental protection."

3.      THAT By-law 3487(2014) be and is hereby repealed and replaced with this By-law, 3494(2014); and
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  
22<sup>nd</sup> DAY OF APRIL, 2014 A.D.

  
MAYOR DAVE AUGUSTYN

  
CLERK NANCY J. BOZZATO



### **EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW #3494(2014)**

This By-law rezones the lands from Agricultural (A) zone to a site specific Residential R2 (R2-243) Zone and a site specific Open Space OS (OS-244) Zone for the purposes of permitting the development of Rosewood Estates Subdivision for fifty-five (55) single detached dwelling units and blocks dedicated for stormwater management and environmental protection.