

THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW NO. 3543 (2014)

Being a by-law to amend Zoning By-law No. 1136 (1987), as amended, for lands located south of Highway 20 East (Regional Road 20) and west of Rice Road (Regional Road 54). The lands are legally described as Part Lot 161 and 166, Part Road Allowance between Lot 161 and 166, now Town of Pelham; and, Part Lot 166 and 167 and Part Lot 3, Plan 717, Town of Pelham. The subject lands are being amended from Agricultural (A) zone to site specific zones: EF – MU1, EF – MU2, EF – MU3, EF – OS, EF – EP, EF – SWM.

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 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 Schedule 'B', attached hereto and forming part of this By-law, from:

Agricultural (A)	to	East Fonthill Mixed - Use 1 (EF - MU1) East Fonthill Mixed - Use 2 (EF - MU2) East Fonthill Mixed - Use 3 (EF - MU3) East Fonthill Open Space (EF - OS) East Fonthill Environmental Protection (EF - EP) East Fonthill Stormwater Management (EF - SWM)
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2. THAT Section 30 – Exceptions of By-law No. 1136 (1987), as amended, be modified by adding the following exceptions:

East Fonthill Mixed - Use 1 (EF - MU1) Zone

1.0 Permitted Uses

- a) The following uses are permitted within the East Fonthill Mixed - Use 1 (EF - MU1) Zone:
  - i. Commercial, professional, medical and/or government offices;
  - ii. Retail commercial uses including retail stores, restaurants and personal services, with Gross Leasable Floor Areas greater than 150 m<sup>2</sup> (1,615 ft<sup>2</sup>) per business;
  - iii. Space extensive retail uses selling products such as:
    - automotive related products;
    - large and bulky goods such as furniture and appliances;
    - hardware and home improvement materials;

- food/groceries; and,
- nursery or garden supply products;
- iv. Hotels and tourist accommodations;
- v. Conference and convention centres;
- vi. Cultural, recreational and entertainment uses;
- vii. Public and private institutional uses;
- viii. Parks and urban squares;
- ix. Public uses and public and private utilities;
- x. Public art installations; and,
- xi. Public roads, active transportation facilities and transit facilities.

## 2.0 Development Regulations

- a) Retail uses including retail stores, restaurants and personal services shall be required at-grade in all buildings, with the following exceptions:
  - i. A hotel, where at-grade uses may include hotel functions in conjunction with hotel-related commercial uses. Hotel-related commercial uses may include associated retail stores, restaurants and personal services that may have Gross Leasable Floor Areas of less than 150 m<sup>2</sup> (1,615 ft<sup>2</sup>), as long as they are wholly incorporated with the primary hotel use; or,
  - ii. A medical office, where at-grade uses may include office and office-related functions in conjunction with retail stores, restaurants and personal service uses; or,
  - iii. A conference or convention centre, cultural, recreational and entertainment uses, and public and private institutional uses, where at-grade uses may include the primary use, as well as retail stores, restaurants and personal service uses.
- b) A maximum of two (2) drive-through facilities are permitted within this Zone, to be generally located as identified symbolically on Schedule 1.
- c) The EF- MU1 Zone may accommodate a maximum total Gross Floor Area of 30,000 m<sup>2</sup> (322,917 ft<sup>2</sup>) for all permitted uses.
- d) Minimum building height: 2-storeys, or 6.0 m (19.7 ft), whichever is greater.
- e) Maximum building height: 10-storeys, or 35.0 m (114.8 ft), whichever is less.
- f) For all yards abutting Highway 20 East (Regional Road 20), Street B, or Street C, there shall be no distinction between what is the Front Yard, Rear Yard or Exterior Side Yard. For any buildings abutting or adjacent to Highway 20 East (Regional Road 20), Street B, or Street C the following Build-Within Zones shall apply:

- i. Buildings that abut, or are adjacent to Highway 20 East (Regional Road 20) shall provide a front façade and main front wall in a Build-Within Zone of 0.0 to 3.0 m (0.0 to 9.8 ft), measured from the lot line abutting Highway 20 East (Regional Road 20) (as per Schedule 4).
- ii. Notwithstanding i. above, the front façade/main front wall of the two permitted drive-through facilities identified symbolically on Schedule 1, shall have a Build-Within Zone of 2.0 to 24.0 m (6.6 ft to 78.7 ft), and shall include a landscaped area of 2.0 m (6.6 ft) abutting the front property line (as per Schedule 4). The identified landscaped area shall include decorative fencing and plantings that screen the drive-through lane and parking in front of the permitted drive-through uses.
- iii. Buildings that abut, or are adjacent to both Highway 20 East (Regional Road 20) and Street B (the corner location) shall provide a front façade or an exterior side façade with the same level of design and materiality as the front façade, in a Build-Within Zone of 0.0 to 12.0 m (0.0 to 39.4 ft), measured from the Street B Right-of-Way (as per Schedule 4). The façade abutting or adjacent to Highway 20 East (Regional Road 20) shall have a Build-Within Zone of 0.0 to 3.0 m (0.0 to 9.8 ft) (as per Schedule 4).
- iv. Where a building abuts or is adjacent to Street B, the front façade and main front wall of the building shall be developed within the 0.0 to 3.0 m (0.0 to 9.8 ft) Build-Within Zone (as per Schedule 4).
- v. Where a building abuts or is adjacent to Street C, west of Street B, the building wall shall be developed with a minimum setback of 4.0 m (13.1 ft), and shall include a minimum 4.0 m (13.1 ft) landscaped buffer strip abutting the Street C Right-of-Way (as per Schedule 4).
- vi. Where a building abuts or is adjacent to Street C, east of Street B, the front façade and main front wall of the building shall be developed within the 0.0 to 3.0 m (0.0 to 9.8 ft) Build-Within Zone (as per Schedule 4).
- vii. Where a building abuts, or is adjacent to the EF - OS Zone, the adjacent building wall shall be developed within the 1.5 to 4.0 m (4.9 to 13.1 ft) Build-Within Zone (as per Schedule 4). Lands within 0.0 and 1.5 m (0.0 to 4.9 ft) of the property line shall include a landscape buffer strip abutting Street B and/or the EF - OS zone. An exception to this requirement affects the development of the northwest quadrant of the intersection of Street B and Street C as identified symbolically on Schedule 1. In this location, a phased development is anticipated, and the following regulations shall apply:
  - i. In Phase 1, the Build-Within Zone shall be 21.5 to 26.5 m (70.5 to 86.9 ft) from the boundary of the EF - OS Zone. The lands located within that Build-Within Zone shall be appropriately landscaped, and shall not be used for a permanent or temporary parking lot; and,

- ii. In Phase 2, the Build-Within Zone shall be 1.5 to 6.5 m (4.9 to 21.3 ft) from the boundary of the EF - OS Zone.
  - viii. Where a building abuts or is adjacent to the westerly boundary of the EF - MU1 Zone, the building wall shall be developed with a minimum setback of 2.0 m (6.6 ft).
  - ix. Where a parking lot or parking space abuts Highway 20 East (Regional Road 20), it shall be set back a minimum of 3.0 m (9.8 ft) from the road right-of-way, except where developed in conjunction with either of the two (2) drive-through facilities identified on Schedule 1. For parking spaces developed as part of either drive-through facility, the minimum setback from Highway 20 East (Regional Road 20) Right-of-Way shall be 2.0 m (6.6 ft).
  - x. Where a parking lot or parking space abuts Street A, Street B, or Street C east of Street B, it shall be set back a minimum of 3.0 m (9.8 ft) from the road right-of-way.
  - xi. Where a parking lot or parking space abuts Street C west of Street B, it shall be set back a minimum of 3.0 m (9.8 ft) from the road right-of-way.
  - xii. The minimum distance separation between buildings shall be 4.0 m (13.1 ft) for any buildings less than 3-storeys in height. Buildings taller than 3-storeys shall be separated by a minimum of 5.0 m (16.4 ft).
- g) The building envelopes established by this Zone are identified on Schedules 2 and 3. The Build-Within Zones for buildings are identified on Schedule 4.

### 3.0 Parking Requirements

- a) All development shall include parking for vehicles and bicycles located at-grade and/or located within a structure. Within the specified parking space requirements, all development shall include appropriate spaces for visitors parking, parking for persons with disabilities, and/or parking for parents with young children, wherever appropriate.
- b) For all permitted office uses – 2.75 to 3.25 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Leasable Floor Area.
- c) Notwithstanding b) above, for a medical office use, the parking requirement shall be between 4.0 and 5.25 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Leasable Floor Area.
- d) For all permitted retail and service commercial uses, including restaurants – 4.25 to 5.25 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Leasable Floor Area.
- e) For all other permitted uses – 3.0 to 4.0 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Floor Area.

## East Fonthill Mixed - Use 2 (EF - MU2) Zone

### 1.0 Permitted Uses

- a) The following uses are permitted within the East Fonthill Mixed - Use 2 (EF - MU2) Zone:

- i. Commercial, professional, medical and/or government offices;
- ii. Retail commercial uses including retail stores, restaurants and personal services, with Gross Leasable Floor Areas greater than 150 m<sup>2</sup> (1,614.4 ft<sup>2</sup>) and less than 1,000 m<sup>2</sup> (10,763.9 ft<sup>2</sup>) per business;
- iii. Hotels and tourist accommodations;
- iv. Conference and convention centres;
- v. Cultural, recreational and entertainment uses;
- vi. Public and private institutional uses;
- vii. Townhouses and apartment buildings;
- viii. Housing for seniors and/or special needs housing;
- ix. Child care facilities;
- x. Parks and urban squares;
- xi. Public uses and public and private utilities;
- xii. Public art installations; and,
- xiii. Public roads, active transportation facilities and transit facilities.

## 2.0 Development Regulations

- a) No drive-through facilities of any kind are permitted in the EF- MU2 Zone.
- b) Minimum building height: 2-storeys, or 6.0 m (19.7 ft), whichever is greater.
- c) Maximum building height: 10-storeys, or 35.0 m (114.8 ft), whichever is less.
- d) For all yards abutting Highway 20 East (Regional Road 20), Street C or Rice Road (Regional Road 54), there shall be no distinction between what is the Front Yard, Rear Yard or Exterior Side Yard. For any buildings abutting or adjacent to Highway 20 East (Regional Road 20), Street C, or Rice Road (Regional Road 54), the following Build-Within Zones shall apply:
  - i. Buildings that abut, or are adjacent to Highway 20 East (Regional Road 20) shall provide a front façade and main front wall in a Build-Within Zone of 0.0 to 3.0 m (0.0 to 9.8 ft), measured from the Highway 20 East (Regional Road 20) right-of-way (as per Schedule 4). For any permitted primarily residential use, the Build-Within Zone shall be 0.0 to 5.0 m (0.0 to 16.4 ft).
  - ii. Where a building abuts or is adjacent to Street C or Rice Road (Regional Road 54), the front façade and main front wall of the building shall be developed within the 0.0 to 3.0 m (0.0 to 9.8 ft) Build-Within Zone (as per Schedule 4). A larger setback may be required for residential uses that abut Rice Road (Regional Road 54), subject to the requirements of a Noise Mitigation Report.
  - iii. Where a building abuts, or is adjacent to an EF - SWM

Zone, it shall be set back from the boundary of the EF - SWM Zone a minimum of 3.0 m (9.8 ft) (as per Schedule 4). A landscape buffer shall be included within the requirement development setback.

- iv. Where a parking lot or parking space abuts Highway 20 East (Regional Road 20) or Rice Road (Regional Road 54), it shall be set back a minimum of 3.0 m (9.8 ft). A landscape buffer shall be included within the requirement development setback.
  - v. The minimum distance separation between buildings shall be 3.0 m (9.8 ft) for townhouse/live-work buildings 3-storeys or less, or 4.0 m (13.1 ft) for any other buildings less than 3-storeys in height. Buildings taller than 3-storeys shall be separated by a minimum of 5.0 m (16.4 ft).
- f) The building envelopes established by this Zone are identified on Schedules 2 and 3. The Build-Within Zones for buildings are identified on Schedule 4.

### 3.0 Parking Requirements

- a) All development shall include parking for vehicles and bicycles located at-grade and/or located within a structure. Within the specified parking space requirements, all development shall include appropriate spaces for visitors parking, parking for persons with disabilities, and/or parking for parents with young children, wherever appropriate.
- b) For all permitted residential uses – 1.00 to 1.25 spaces per unit. Seniors housing has a parking requirement of between 0.5 and 0.75 spaces per unit.
- c) For all permitted office uses – 2.75 to 3.25 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Leasable Floor Area.
- d) Notwithstanding c) above, for a medical office use, the parking requirement shall be between 4.0 and 5.25 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Leasable Floor Area.
- e) For all permitted retail and service commercial uses, including restaurants – 4.25 to 5.25 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Leasable Floor Area.
- f) For all other permitted uses – 3.0 to 4.0 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Floor Area.

### East Fonthill Mixed - Use 3 (EF - MU3) Zone

#### 1.0 Permitted Uses

- a) The following uses are permitted within the East Fonthill Mixed - Use 3 (EF - MU3) Zone:
  - i. A Multi-Use Recreational Facility, including cultural, recreational and entertainment uses;
  - ii. Commercial, professional, medical and/or government offices;
  - iii. Retail commercial uses including retail stores, restaurants and personal services, with Gross Leasable Floor Areas greater than 150 m<sup>2</sup> (1,614.6 ft<sup>2</sup>) and less than 1,000 m<sup>2</sup> (10,763.9 ft<sup>2</sup>) per business;
  - iv. Hotels and tourist accommodations;

- v. Conference and convention centres;
- vi. Public and private institutional uses;
- vii. Townhouses and apartment buildings;
- viii. Housing for seniors and/or special needs housing;
- ix. Child care facilities;
- x. Parks and urban squares;
- xi. Public uses and public and private utilities;
- xii. Public art installations; and,
- xiii. Public roads, active transportation facilities and transit facilities.

## 2.0 Development Regulations

- a) Minimum building height: 2-storeys, or 6.0 m (19.7 ft), whichever is greater.
- b) Maximum building height: 10-storeys, or 35.0 m (114.8 ft), whichever is less.
- c) For all yards abutting Street B, Street C, Street D, or Rice Road (Regional Road 54), there shall be no distinction between what is the Front Yard, Rear Yard or Exterior Side Yard. For any buildings abutting or adjacent to Street B, Street C, Street D or Rice Road (Regional Road 54), the following setbacks shall apply:
  - i. Buildings that abut, or are adjacent to Street B, Street C or Street D shall provide a front façade and main front wall in a Build-Within Zone of 0.0 to 3.0 m (0.0 to 9.8 ft) (as per Schedule 4).
  - ii. Where a building abuts or is adjacent to Rice Road (Regional Road 54), the front façade and main front wall of the building shall be developed within the 0.0 to 3.0 m (0.0 to 9.8 ft) Build-Within Zone (as per Schedule 4). A larger setback may be required for residential uses that abut Rice Road (Regional Road 54), subject to the requirements of a Noise Mitigation Report.
  - iii. Where a building abuts, or is adjacent to an EF - SWM Zone, it shall be set back from the boundary of the EF - SWM Zone a minimum of 3.0 m (9.8 ft) (as per Schedule 4). A landscape buffer shall be included within the requirement development setback.
  - iv. Where a building abuts, or is adjacent to an EF - OS Zone, it shall provide a main front wall or front façade within a Build-Within Zone of 0.0 to 3.0 m (0.0 to 9.8 ft) (as per Schedule 4). A landscape buffer shall be included within the requirement development setback.
  - v. Where a parking lot or parking space abuts Street B, Street C, Street D, or Rice Road (Regional Road 54), it shall be set back a minimum of 3.0 m (9.8 ft). A landscape buffer shall be included within the requirement development setback.
  - vi. The minimum distance separation between buildings

shall be 3.0 m (9.8 ft) for townhouse/live-work buildings 3-storeys or less, or 4.0 m (13.1 ft) for any other buildings less than 3-storeys in Height. Buildings taller than 3-storeys shall be separated by a minimum of 5.0 m (16.4 ft).

- d) The building envelopes established by this Zone are identified on Schedules 2 and 3. The Build-Within Zones for buildings are identified on Schedule 4.

### 3.0 Parking Requirements

- a) All development shall include parking for vehicles and bicycles located at-grade and/or located within a structure. Within the specified parking space requirements, all development shall include appropriate spaces for visitors parking, parking for persons with disabilities, and/or parking for parents with young children, wherever appropriate.
- b) For all permitted residential uses – 1.00 to 1.25 spaces per unit. Seniors housing has a parking requirement of between 0.5 and 0.75 spaces per unit.
- c) For all permitted office uses – 2.75 to 3.25 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Leasable Floor Area.
- d) Notwithstanding c) above, for a medical office use, the parking requirement shall be between 4.0 and 5.25 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Leasable Floor Area.
- e) For all permitted retail and service commercial uses, including restaurants – 4.25 to 5.25 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Leasable Floor Area.
- f) For a permitted Multi-Use Recreational Facility, that includes any continuation of cultural, recreational and/or entertainment uses, as well as associated office space, and/or retail stores, restaurants and personal service uses – 2.0 to 3.5 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Floor Area.
- g) For all other permitted uses – 3.0 to 4.0 spaces per 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of Gross Floor Area.

## East Fonthill Open Space (EF - OS) Zone

### 1.0 Permitted Uses

- a) The uses permitted in the East Fonthill Open Space (EF - OS) Zone include:
  - i. Parks and urban squares designed for the recreational enjoyment of the community;
  - ii. Trails for cyclists and pedestrians;
  - iii. Public art installations; and,
  - iv. Small scale retail and commercial uses, including restaurants that serve the recreational function of the park/urban square.

### 2.0 Development Regulations

- a) Park spaces may include opportunities for naturalization and enhancements to adjacent East Fonthill Environmental Protection (EF - EP) Zone.



- b) Parks and Urban Squares shall include hard and/or soft-scape improvements, including opportunities for portable food services, athletic activities, seating, water features, children's play features and communal gatherings/event space.
- c) Buildings within the East Fonthill Open Space (EF - OS) Zone shall be a maximum height of 1 storey, or 4.0 m (13.1 ft), whichever is less.

#### East Fonthill Environmental Protection (EF - EP) Zone

##### 1.0 Permitted Uses

- a) The uses permitted in the East Fonthill Environmental Protection (EF - EP) Zone include:
  - i. Conservation uses;
  - ii. Flood and erosion control works; and,
  - iii. Trails for cyclist and pedestrians, including bridges.

##### 2.0 Development Regulations

- a) In an East Fonthill Environmental Protection (EF - EP) Zone, no person shall erect any building or structure, except structures for conservation purposes, structures for flood and erosion control or recreational trails and bridges authorized by the Conservation Authority.

#### East Fonthill Stormwater Management (EF - SWM) Zone

##### 1.0 Permitted Uses

- a) The uses permitted in the East Fonthill Stormwater Management (EF - SWM) Zone include:
  - i. Facilities and features that are intended to manage the flow of stormwater from adjacent development sites;
  - ii. Water features and associated landscaping to ensure the attractiveness and safety of the stormwater management facility;
  - iii. Trails for cyclists and pedestrians; and,
  - iv. Gateway features and/or public art installations.

##### 2.0 Development Regulations

- a) Stormwater management facilities may include opportunities for naturalization and enhancements to adjacent East Fonthill Environmental Protection (EF - EP) Zones and/or East Fonthill Open Space (EF - OS) Zones.

#### General Provisions

Notwithstanding the Provisions under Section 6.16, the parking area regulations applicable to EF - MU1, EF - MU2, and EF - MU3 are as follows:

##### 1.0 Parking Space/Aisle Dimensions

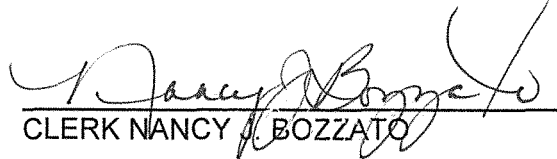
- a) Parking spaces shall be a minimum of 2.7 m (8.9 ft) wide and 5.9 m (19.4 ft) wide.
- b) The aisle width between perpendicular rows of parking shall be a minimum of 6.2 m (20.3 ft) wide.

3. 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  
15<sup>th</sup> DAY OF SEPTEMBER, 2014 A.D.



MAYOR DAVE AUGUSTYN



CLERK NANCY J. BOZZATO

**EXPLANATION OF THE PURPOSE AND EFFECT OF  
BY-LAW NO. 3543 (2014)**

This By-law involves a parcel of land located south of Highway 20 East (Regional Road 20) and west of Rice Road (Regional Road 54). The lands are legally described as Part Lot 161 and 166, Part Road Allowance between Lot 161 and 166, now Town of Pelham; and, Part Lot 166 and 167 and Part Lot 3, Plan 717, Town of Pelham.

This By-law rezones the lands from Agricultural (A) Zone to site specific East Fonthill Mixed – Use 1 (EF - MU1), East Fonthill Mixed – Use 2 (EF - MU2), East Fonthill Mixed – Use 3 (EF - MU3), East Fonthill Open Space (EF - OS), East Fonthill Environmental Protection (EF - EP), East Fonthill Stormwater Management (EF - SWM).