

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 3678 (2015)

Being a by-law to amend Zoning By-law No. 1136 (1987), as amended, for lands located on the east side of Haist Street, north of Highway #20 (Part Blocks P, Q & R, Registered Plan 25, Village of Fonthill, now known as Plan 717, now in the town of Pelham), municipally known as 1535 Haist Street, to rezone the lands from Residential 1 with holding provision 'R1 (H)', Residential 1 site specific exemption with holding provision 'R1-209 (H)', Residential 1 site specific exemption with holding provision 'R1-210 (H)', and Open Space 'OS' zones to Residential Multiple 1 site specific exemption 'RM1- 253'.

Lucchetta Construction Ltd.

File No. AM-04-11

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 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 'A', attached hereto and forming part of this By-law, as follows:

Part 1 From Residential 1 'R1 (H)' to Residential Multiple 1 'RM1-253'.

Part 2 From Residential 1 'R1-209 (H)' to Residential Multiple 1 'RM1-253'.

Part 3 From Residential 1 'R1-210 (H)' to Residential Multiple 1 'RM1-253'.

Part 4 From Open Space 'OS' to Residential Multiple 1 'RM1-253'.

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

"RM1-253 Notwithstanding Section 16.1 of the Residential Multiple 1 'RM1' zone, the lands identified as RM1-253 shall be subject to the following provisions:

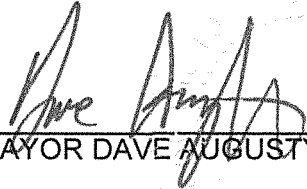
Maximum Number of Block Townhouse Units	36
Total Maximum Lot Coverage for Development	25.51 %
Minimum Area Per Unit	226.85 m ² (2872.35 ft ²)
Minimum Frontage Per Unit	9.6 m (31.49 ft)
Minimum Ground Floor Area for a	
One Storey Dwelling	88 m ² (947.26 ft ²)
Two Storey Dwelling	50 m ² (538.21 ft ²)
Minimum Setbacks of all Buildings	As Shown on Schedule 'B'
Minimum Side Yard between Block Townhouses	As Shown on Schedule 'B'
Minimum Structural Setback from Top of Bank	
Southeast	
Northwest	As Shown on Schedule 'B'
Maximum Building Height	10.5 m (34.45 ft)
Minimum Amenity Area Per Dwelling Unit	14 m ² (45.9 ft ²)
Total Minimum Landscaping Coverage for Development	25 %
Minimum Planting Strip Where the Boundary of the RMI Zone Abuts an R1 or R2 Zone	1.5 m (4.92 ft)
Minimum Parking Spaces	2 spaces per dwelling unit with one of the required spaces being provided within the garage. Only one parking space may be stacked behind a required parking space.


Notwithstanding the provisions under Section 6.35- Yard Encroachments Permitted, the lands identified as RM1-253 shall be subject to the following provisions:

Notwithstanding the yard provisions of this By-law to the contrary, unenclosed porches, balconies, steps and patios, covered or uncovered may project into any required yard as shown on Schedule 'B' provided that, in the case of porches, steps or patios, such uses are not more than 3 m (9.84 ft) above ground."

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.

ENACTED, SIGNED AND SEALED THIS
16th DAY OF NOV EMBER, 2015 A.D.


MAYOR DAVE AUGUSTYN


CLERK NANCY J. BOZZATO

**EXPLANATION OF THE PURPOSE AND EFFECT OF
BY-LAW NO. 3678 (2015)**

This by-law rezones the lands from the Residential 1 with holding provision 'R1 (H)', Residential 1 site specific exemption with a holding provision 'R1- 209 (H)', Residential 1 site specific exemption with a holding provision 'R1-210 (H)', and Open Space 'OS' zones to Residential Multiple 1 site specific exemption 'RM1-253' zone for the purpose of permitting the development of Davis Heights for thirty-six (36) condominium block townhouses.