

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 3705 (2016)

Being a by-law to amend Zoning By-law No. 1136 (1987), as amended, for lands located north of Port Robinson Road and west of Rice Road (Regional Road 54), municipally known as 177 Port Robinson Road, legally described as Part 2 Lot 166 RP 59R-8549; Part 1 and RP 59R-13156, Part 1, from Agricultural 'A' zone to a site specific Residential 2 'R2' zone (R2-254), a site specific Residential Multiple 1 'RM1' zone (RM1-255), a site specific Residential Multiple 2 'RM2' zone (RM2-256) and site specific Open Space 'OS' zones (OS-257, OS-258, OS-259).

River Realty- River Estates Subdivision
File No. AM-13-14

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, from:

Part 1	Agricultural 'A' to Residential 2 'R2-254'
Part 2	Agricultural 'A' to Residential Multiple 1 'RM1-255'
Part 3	Agricultural 'A' to Residential Multiple 2 'RM2-256'
Part 4	Agricultural 'A' to Open Space 'OS-257'
Part 5	Agricultural 'A' to Open Space 'OS-258'
Part 6	Agricultural 'A' to Open Space 'OS-259'
2. **THAT** Section 30 – Exceptions of By-Law No. 1136 (1987), as amended, be modified by adding the following exceptions:

R2-254 Notwithstanding Section 14.1 of the Residential 2 'R2' zone, Section 14.2 is amended, and the lands identified as R2-254 shall be subject to the following provisions:

- a) Minimum Lot Area 360 m² (3,875.13 ft²)
- b) Minimum Lot Frontage 12.0 m (39.37 ft)
15.0 m (49.21 ft) on a corner lot
- c) Minimum Front Yard 4.5 m (14.76 ft) to the front face of the dwelling and 6.0 m (19.68 ft) to the front face of the garage
- d) Minimum Interior Side Yard 1.2 m (3.93 ft)
- e) Minimum Exterior Side Yard 3.0 m (3.28 ft)
- f) Minimum Rear Yard 7.5 m (24.61 ft)
- g) Minimum Ground Floor Area for a Dwelling:
One storey 93 m² (1,001.08 ft²)
Two storeys 55 m² (592.03 ft²)
- h) Maximum Building Height 3 storeys or 10.5 m (34.45 ft), whichever is less

RM1-255 Notwithstanding Section 16.1 of the Residential Multiple 1 'RM1' zone, Section 16.3 is amended, and the lands identified as RM1-255 shall be subject to the following provisions:

- a) Minimum Lot Frontage 6.0 m (19.69 ft)
- b) Minimum Corner Lot Frontage 7.5 m (24.60 ft)
- c) Minimum Lot Area 174 m² (1872.92 ft²)
- d) Minimum Front Yard 4.5 m (14.76 ft) to the front face of the dwelling
- e) Minimum Exterior Side Yard 3.0 m (3.28 ft)
- f) Minimum Interior Side Yard 1.2 m (3.93 ft) or 0 m (0 ft) for a common wall
- g) Minimum Rear Yard 7.5 m (24.61 ft) to the main building and 0 m (0 ft) to the garage
- h) Minimum Ground Floor Area for a Dwelling:
One storey 88 m² (947.26 ft²)
Two storeys 50 m² (538.21 ft²)
- i) Maximum Building Height 3 storeys or 10.5 m (34.45 ft), whichever is less

RM2-256 Section 17.1 and Section 17.2 of the Residential Multiple 1 'RM2' zone is amended, and the lands identified as RM2-256 shall be subject to the following provisions:

17.1 PERMITTED USES

- a) Apartment Dwellings
- b) Block Townhouse Dwellings
- c) Uses, Buildings, and Structures accessory to the foregoing permitted uses

17.2 REGULATIONS FOR APARTMENT DWELLINGS

- a) Minimum Lot Frontage 30.0 m (98.43 ft)
- b) Minimum Lot Depth 38.0 m (124.67 ft)
- c) Minimum Density 78 units per hectare
- d) Maximum Lot Coverage 40 percent
- e) Minimum Front Yard 3.0 m (9.84 ft)
- f) Minimum Rear Yard 7.5 m (24.61 ft)
- g) Minimum Interior Side Yard 3.0 m (9.84 ft)
- h) Minimum Exterior Side Yard 3.0 m (9.84 ft)
- i) Minimum Landscaped Area 30 percent
- j) Maximum Building Height 10 storeys or 35.0 m (114.83 ft), whichever is less
- k) Minimum Building Height 3 storeys or 11.0 m (36.10 ft), whichever is greater
- l) Minimum First Floor Building Height 4.0 m (13.12 ft)

17.3 REGULATIONS FOR BLOCK TOWNHOUSE DWELLINGS

- a) Minimum Lot Frontage 30 m (98.43 ft)
- b) Minimum Lot Area 2000 m² (21 528.53 ft²)
- c) Minimum Density 35 dwelling units per hectare (14.17 dwelling units per acre)
- d) Minimum Front Yard 4.5 m (14.76 ft) to the front face of the dwelling and 6.0 m (19.69 ft) to the front face of the garage
- e) Minimum Rear Yard 6.0 m (19.69 ft)
- f) Minimum Interior Side Yard the minimum side yard abutting a street or an internal roadway shall be 3.0 m (9.84 ft)
- g) Maximum Building Height 10.5 m (34.45 ft)
- h) Minimum Ground Floor Area for a Dwelling:
 - One storey 88 m² (947.26 ft²)
 - Two storeys 50 m² (538.21 ft²)

- i) Distance between buildings on the same lot:
- | | |
|-----------------------------------|------------------|
| Interior Side Yard: | |
| From End Wall | 2.69 m (8.83 ft) |
| From Rear Wall | 6.0 m (19.69 ft) |
| Rear Yard: | |
| From End Wall | 3.0 m (9.84 ft) |
| From Rear Wall | 6.0 m (19.69 ft) |
| Between Buildings: | |
| Between End Walls | 3.0 m (9.84 ft) |
| Between Rear Walls | 8.0 m (26.25 ft) |
| Between End Wall & Rear Wall | 6.0 m (19.69 ft) |
| Minimum Distance to Private Road: | |
| To Attached Garage | 6.0 m (19.69 ft) |
| To Dwelling | 2.45 m (8.04 ft) |
| Maximum Unit Driveway Width: | 50 % |
- j) Minimum Landscaped Area 25 percent

OS-257 Notwithstanding Section 26.1 of Open Space 'OS' zone, Section 26.2 is amended, and the lands identified as OS-257 shall be subject to the following provisions:

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| a) Minimum Lot Area | 0.5 ha (1.23 ac) |
| b) Minimum Lot Frontage | 6.0 m (19.86 ft) |
| c) Maximum Lot Coverage | 10 percent |
| d) Minimum Front Yard | 8.0 m (26.25 ft) |
| e) Minimum Exterior Side Yard | 5.0 m (16.4 ft) |
| f) Minimum Side Yard | The greater of one-half the height of the building adjacent to such yard or 4.5 m (14.76 ft), whichever is the greater |
| g) Minimum Rear Yard | 7.5 m (24.61 ft) |
| h) Maximum Building Height | 12.0 m (39.37 ft) |

OS-258 Section 26.1 and Section 26.2 of the Open Space 'OS' zone is amended, and the lands identified as OS-258 shall be subject to the following provisions:

26.1 PERMITTED USES

- Forest, fish and wildlife management uses.
- Conservation and flood control projects.
- Small-scale passive recreational uses such as trails, fences, docks, and picnic facilities that will have no negative impact on the natural heritage features or on the ecological functions of such features.

26.2 REGULATIONS

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| a) Minimum Lot Area | 0.15 ha (0.37 ac) |
| b) Minimum Lot Frontage | 33.0 m (108.27 ft) |

OS-259 Section 26.1 and Section 26.2 of the Open Space 'OS' zone is amended, and the lands identified as OS-258 shall be subject to the following provisions:

26.1 PERMITTED USES

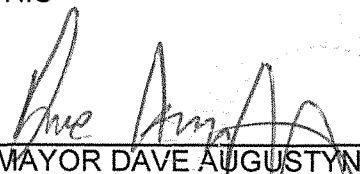
- a) Facilities and features that are intended to manage the flow of stormwater from adjacent development sites.
- b) Water features and associated landscaping to ensure the attractiveness and safety of the stormwater management facility.
- c) Small-scale passive recreational uses such as trails, fences, docks, and picnic facilities that will have no negative impact on the natural heritage features or on the ecological functions of such features.
- d) Trails for cyclists and pedestrians.
- e) Gateway features and/or public art installations.

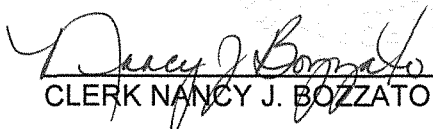
26.2 REGULATIONS

- | | |
|-------------------------|-------------------|
| a) Minimum Lot Area | 0.05 ha (0.12 ac) |
| b) Minimum Lot Frontage | 15.0 m (49.21 ft) |

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
1st DAY OF FEBRUARY, 2016 A.D.


MAYOR DAVE AUGUSTYN


CLERK NANCY J. BOZZATO

**EXPLANATION OF THE PURPOSE AND EFFECT OF
BY-LAW NO. 3705 (2016)**

This By-law involves a parcel of land located on the north side of Port Robinson Road and west of Rice Road (Regional Road 54), municipally referred 177 Port Robinson Road. The legal description of the subject parcel is described as Part Two Lot 166 RP 59R-8549; Part 1 and RP 59R-13156, Part 1.

This By-law rezones the lands from the Agricultural 'A' zone to a site specific Residential 2 'R2' zone (R2-254), a site specific Residential Multiple 1 'RM1' zone (RM1-255), a site specific Residential Multiple 2 'RM2' zone (RM2-256) and site specific Open Space 'OS' zones (OS-257, OS-258, OS-259).

This By-law will facilitate the development of the River Estates Subdivision.