

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 3810 (2016)

Being a by-law to amend Zoning By-law No. 1136 (1987), as amended, for lands located south of Port Robinson Road and west of Rice Road, legally described as Thorold Part Township Lot 171, from Agricultural (A) zone to a site specific Residential 2 (R2-266), a site specific Residential 2 (R2-266) with a holding (H) provision, a site specific Residential Multiple 1 (RM1-267), a site specific Residential Multiple 1 (RM1-268), a site specific Residential Multiple 1 (RM1-268) with a holding (H) provision, a site specific Residential Multiple 1 (RM1-269) with a holding (H) provision, a site specific Open Space (OS-270), a site specific Open Space (OS-271), a site specific Open Space (OS-272), a site specific Open Space (OS-272) with a holding (H) provision, and a site specific Open Space (OS-273) zone with a holding (H) provision zones.

Hert Inc. and Hummel Properties Inc.

File No. AM-11-14

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 Section 36 of the Planning Act, R.S.O. 1990, as amended, permits the Council of a local municipality, in a by-law passed under Section 34, the use of the holding symbol (H) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law;

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

Agricultural (A) zone to	a site specific Residential 2 (R2-266) zone
Agricultural (A) zone to	a site specific Residential 2 (R2-266) zone with a holding (H) provision
Agricultural (A) zone to	a site specific Residential Multiple 1 (RM1-267) zone
Agricultural (A) zone to	a site specific Residential Multiple 1 (RM1-268) zone

Agricultural (A) zone to	a site specific Residential Multiple 1 (RM1-268) zone with a holding (H) provision
Agricultural (A) zone to	a site specific Residential Multiple 1 (RM1-269) zone with a holding (H) provision
Agricultural (A) zone to	a site specific Open Space (OS-270) zone
Agricultural (A) zone to	a site specific Open Space (OS-271) zone
Agricultural (A) zone to	a site specific Open Space (OS-272) zone
Agricultural (A) zone to	a site specific Open Space (OS-272) zone with a holding (H) provision
Agricultural (A) zone to	a site specific Open Space (OS-273) zone with a holding (H) provision

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

R2-266 Notwithstanding Sections 14.1 and 14.2 a), b), c), h), and i) of the Residential 2 (R2) zone, Section 14.2 d), e), f), and g) is amended, and the lands identified as R2-266 shall be subject to the following provisions:

14.2 ZONE REQUIREMENTS

- d) Minimum Front Yard 4.5 m (14.76 ft) to the front face of the dwelling and 6 m (19.68 ft) to the front face of the garage
- e) Minimum Interior Side Yard 1.2 m (3.93 ft) on one side and 3 m (9.84 ft) on the other side where there is no carport or garage attached, or 1.2 m (3.93 ft) on both sides where a carport or garage is attached
- f) Minimum Exterior Side Yard 3 m (3.28 ft)
- g) Minimum Rear Yard 6m (19.68 ft)

Notwithstanding the provisions under Section 6 of the General Provisions, the lands identified as R2-266 shall be subject to the following provisions:

6.35 c) Unenclosed Porches, Balconies, Steps A covered porch is permitted to encroach into a front and

and Patios exterior side yard 1.5 m (4.92 ft) and into a rear yard 3 m (9.84 ft)

R2-266 (H)

Notwithstanding Sections 14.1 and 14.2 a), b), c), h), and i) of the Residential 2 (R2) zone, Section 14.2 d), e), f), and g) is amended, and the lands identified as R2-266 (H) shall be subject to the following provisions:

14.2 ZONE REQUIREMENTS

d) Minimum Front Yard 4.5 m (14.76 ft) to the front face of the dwelling and 6 m (19.68 ft) to the front face of the garage

e) Minimum Interior Side Yard 1.2 m (3.93 ft) on one side and 3 m (9.84 ft) on the other side where there is no carport or garage attached, or 1.2 m (3.93 ft) on both sides where a carport or garage is attached

f) Minimum Exterior Side Yard 3 m (3.28 ft)

g) Minimum Rear Yard 6m (19.68 ft)

Notwithstanding the provisions under Section 6 of the General Provisions, the lands identified as R2-266 (H) shall be subject to the following provisions:

6.35 c) Unenclosed Porches, Balconies, Steps and Patios A covered porch is permitted to encroach into a front and exterior side yard 1.5 m (4.92 ft) and into a rear yard 3 m (9.84 ft)

RM1-267

Notwithstanding Section 16.4 g), h), i), k) and l) of the Residential Multiple 1 (RM1) zone, Sections 16.1 and 16.4 a), b), c), d), e), f), and i) is amended, and the lands identified as RM1-267 shall be subject to the following provisions:

16.1 PERMITTED USES

- a) block townhouse dwellings
- b) uses, buildings and structures accessory to the foregoing permitted uses

16.4 REGULATIONS FOR BLOCK
TOWNHOUSE DWELLINGS

- | | |
|-------------------------|--|
| a) Minimum Lot Frontage | 12 m (39.37 ft) |
| b) Minimum Lot Area | 1.4 ha (3.46 ac) |
| c) Minimum Density | A minimum density of 22 units per hectare |
| d) Minimum Front Yard | Not applicable |
| e) Minimum Side Yard | 1.5 m (4.92 ft), except where the rear of a building faces the side yard the minimum side yard shall be 6 m (19.68 ft) and the minimum side yard abutting a street or an internal roadway shall be 3 m (9.84 ft) |

f) Minimum Rear Yard 6 m (19.68 ft)

i) Distance between buildings on the same lot:

A FACE OF A BUILDING means one or other of the longest walls of a building. Each building shall be deemed to have two faces.

A SIDE OF A BUILDING MEANS one or other of the shortest walls on a building. Each building shall be deemed to have two sides.

Any face of one townhouse shall be no closer to any side of another townhouse than 9 m (29.53 ft).

Any face of any townhouse shall be no closer than 15 m (49.21 ft) to any face of another townhouse.

Any side of any townhouse shall be no closer than 3 m (9.84 ft) to any side of another townhouse.

RM1-268

Notwithstanding Section 16.4 a), h), and i) of the Residential Multiple 1 (RM1) zone, Sections 16.1 and 16.4 b), c), d), e), f), g), and j) is amended, and the lands identified as RM1-268 shall be subject to the following provisions:

16.1 PERMITTED USES

- a) street townhouse dwellings
- b) uses, buildings and structures accessory to the foregoing permitted uses

16.4 REGULATIONS FOR STREET
TOWNHOUSE DWELLINGS

- b) Minimum Corner Lot 12 m (39.3 ft)
Frontage
- c) Minimum Lot Area 180 m² (1 937.7 ft²)
- d) 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
- e) Minimum Exterior Side Yard 3 m (9.84 ft)
- f) Minimum Interior Side Yard 1.2 m (1.93 ft) or 0 m (0 ft) for a common wall
- g) Minimum Rear Yard 6.5 m (21.32 ft)
- j) Planting Strip delete

Notwithstanding the provisions under Section 6 of the General Provisions, the lands identified as RM1-268 shall be subject to the following provisions:

- 6.35 c) Unenclosed Porches, Balconies, Steps and Patios A covered porch is permitted to encroach into a front and exterior side yard 1.5 m (4.92 ft) and into a rear yard 3 m (9.84 ft)

RM1-268 (H) Notwithstanding Section 16.4 a), h), and i) of the Residential Multiple 1 (RM1) zone, Sections 16.1 and 16.4 b), c), d), e), f), g), and j) is amended, and the lands identified as RM1-268 (H) shall be subject to the following provisions:

16.1 PERMITTED USES

- a) street townhouse dwellings
- b) uses, buildings and structures accessory to the foregoing permitted uses

16.4 REGULATIONS FOR STREET
TOWNHOUSE DWELLINGS

- | | |
|-------------------------------|---|
| b) Minimum Corner Frontage | Lot 12 m (39.3 ft) |
| c) Minimum Lot Area | 180 m ² (1 937.7 ft ²) |
| d) 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 |
| e) Minimum Exterior Side Yard | 3 m (9.84 ft) |
| f) Minimum Interior Side Yard | 1.2 m (1.93 ft) or 0 m (0 ft) for a common wall |
| g) Minimum Rear Yard | 6.5 m (21.32 ft) |
| j) Planting Strip | delete |

Notwithstanding the provisions under Section 6 of the General Provisions, the lands identified as RM1-268 (H) shall be subject to the following provisions:

- | | |
|---|---|
| 6.35 c) Unenclosed Porches, Balconies, Steps and Patios | A covered porch is permitted to encroach into a front and exterior side yard 1.5 m (4.92 ft) and into a rear yard 3 m (9.84 ft) |
|---|---|

RM1-269 (H) Notwithstanding Section 16.4 g), h), k) and l) of the Residential Multiple 1 (RM1) zone, Sections 16.1 and 16.4 a), b), c), d), e), f), and i) is amended, and the lands identified as RM1-269 (H) shall be subject to the following provisions:

16.1 PERMITTED USES

- | |
|---|
| a) block townhouse dwellings |
| b) uses, buildings and structures accessory to the foregoing permitted uses |

16.4 REGULATIONS FOR BLOCK
TOWNHOUSE DWELLINGS

- | | |
|-------------------------|--|
| a) Minimum Lot Frontage | 10 m (32.8 ft) |
| b) Minimum Lot Area | 0.9 ha (2.2 ac) |
| c) Minimum Density | A minimum density of 20 units per hectare |
| d) Minimum Front Yard | not applicable |
| e) Minimum Side Yard | 1.5 m (4.92 ft), except where the rear of a building faces the side yard the minimum side yard |

shall be 6 m (19.68 ft) and the minimum side yard abutting a street or an internal roadway shall be 3 m (9.84 ft)

f) Minimum Rear Yard

6 m (19.68 ft)

i) Distance between buildings on the same lot:

A FACE OF A BUILDING means one or other of the longest walls of a building. Each building shall be deemed to have two faces.

A SIDE OF A BUILDING MEANS one or other of the shortest walls on a building. Each building shall be deemed to have two sides.

Any face of one townhouse shall be no closer to any side of another townhouse than 9 m (29.53 ft).

Any face of any townhouse shall be no closer than 15 m (49.21 ft) to any face of another townhouse.

Any side of any townhouse shall be no closer than 3 m (9.84 ft) to any side of another townhouse.

OS-270

Notwithstanding Section 26.2 of the Open Space (OS) zone, Section 26.1 is amended, and the lands identified as OS-270 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, and picnic facilities that will have no negative impact on the functions of such features.

- d) Trails for cyclists and pedestrians.
- e) Gateway features and/or public art installations.

OS-271

Notwithstanding Section 26.2 c) – h), inclusive, of the Open Space (OS) zone, Sections 26.1 and 26.2 a) and b) is amended, and the lands identified as OS-271 shall be subject to the following provisions:

26.1 PERMITTED USES

- a) Forest, fish and wildlife management uses.
- b) Conservation and flood control projects.
- 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.

26.2 REGULATIONS

- a) Minimum Lot Area 0.62 ha
(1.53 ac)
- b) Minimum Lot Frontage 33 m
(108.27 ft)

OS-272

Notwithstanding Sections 26.1 and 26.2 c) – h), inclusive, of the Open Space (OS) zone, Sections 26.2 a) and b) is amended, and the lands identified as OS-272 shall be subject to the following provisions:

26.2 REGULATIONS

- a) Minimum Lot Area 0.018 ha
(0.04 ac)
- b) Minimum Lot Frontage 6 m
(19.69 ft)

OS-272 (H)

Notwithstanding Sections 26.1 and 26.2 c) – h), inclusive, of the Open Space (OS) zone, Sections 26.2 a) and b) is amended, and the lands identified as OS-272 (H) shall be subject to the following provisions:

26.2 REGULATIONS

- a) Minimum Lot Area 0.018 ha
(0.04 ac)
- b) Minimum Lot Frontage 6 m
(19.69 ft)

OS-273 (H) Notwithstanding Section 26.2 of the Open Space (OS) zone, Sections 26.1 is amended, and the lands identified as OS-273 (H) shall be subject to the following provisions:

26.1 PERMITTED USES

- a) Forest, fish and wildlife management uses.
- b) Conservation and flood control projects.

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
5th DAY OF DECEMBER, 2016 A.D.


MAYOR DAVE AUGUSTYN


CLERK NANCY J. BOZZATO

**EXPLANATION OF THE PURPOSE AND EFFECT OF
BY-LAW NO. 3810 (2016)**

This By-law involves parcels of land located south of Port Robinson Road and west of Rice Road. The legal description of the subject parcels is described as Thorold Part Township Lot 171.

This By-law rezones the lands from Agricultural (A) zone to a site specific Residential 2 (R2-266), a site specific Residential 2 (R2-266) with a holding (H) provision, a site specific Residential Multiple 1 (RM1-267), a site specific Residential Multiple 1 (RM1-268), a site specific Residential Multiple 1 (RM1-268) with a holding (H) provision, a site specific Residential Multiple 1 (RM1-269) with a holding (H) provision, a site specific Open Space (OS-270), a site specific Open Space (OS-271), a site specific Open Space (OS-272), a site specific Open Space (OS-272) with a holding (H) provision, and a site specific Open Space (OS-273) zone with a holding (H) provision zones.

The holding (H) provision applies to land falling within Phase 2 of the Saffron Meadows Subdivision and is to be applied until such time as the endangered species concerns are addressed to the satisfaction of the Ministry of Natural Resources and Forestry (MNR).

This By-law will facilitate the development of the Saffron Meadows Subdivision.