

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #387 (1976)

Being a by-law to amend Restricted Area
By-law #279 (1974).

WHEREAS an application has been received to rezone property in Part of Block Y, Plan 25, of the former Village of Fonthill, now in the Town of Pelham, for the purpose of constructing a multiple family development thereon;

AND WHEREAS Council deems it desirable and expedient to rezone the lands for the purpose of permitting such development, and regulating the use of land, and the character, location and use of buildings, and to enter into a development control agreement with the Owner of such lands, as a condition of the development, pursuant to Section 7.34 of By-law #279 (1974);

AND WHEREAS Council passed Restricted Area By-law #326 (1975) on August 18th., 1976 to effect such purposes;

AND WHEREAS it is necessary to amend By-law #326 (1975) pursuant to a decision of the Ontario Municipal Board dated August 5th., 1976; ^{5.6.76} *Amend*

AND WHEREAS Council deems it expedient to repeal By-law #326 (1975) and replace it with a by-law to conform with the decision of the Ontario Municipal Board and thereby amend By-law #279 (1974);

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE
TOWN OF PELHAM ENACTS AS FOLLOWS:

(1) THAT Schedule "A" to By-law #279 (1974), as amended, being the zoning map to By-law #279 (1974), as amended, of the Town of Pelham, is hereby amended by changing the zone designation of the lands described in Schedule "A" of this by-law from Development (D) Zone to Special RM-1 Zone and Hazard (H) Zone as shown on Schedule "B" to this by-law.

(2) THAT By-law #279 (1974), as amended, is further amended:

(a) by adding a new section 28.1 to the by-law, with such new section to read as follows:

28.1 - SPECIAL RM-1 ZONE -

No person shall within any Special RM-1 Zone use any land, or erect, alter, or use any building or structure except in accordance with the following provisions:

Permitted Uses - (a) apartment buildings
(b) row house dwellings, and
(c) uses, buildings, and structures
accessory to the foregoing permitted uses.

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Regulations for Permitted Uses -

(a) Minimum Lot Frontage	556.95 feet
(b) Maximum Lot Coverage	35%
(c) Minimum Setback	116 feet from centre line of roadway
(d) Minimum Sideyard	35 feet
(e) Minimum Rearyard	35 feet
(f) Minimum Floor Area Per Dwelling Unit	950 square feet
(g) Maximum Building Height	45 feet

Play Space -

No person shall use or erect on a lot an apartment building, or row house dwelling containing other than all bachelor units, as defined in By-law #279 (1974), unless there is provided on each lot a play space for children, and such play space shall be:

- (i) enclosed with a chain link or equally durable fence
- (ii) located at least fifteen (15) feet from the nearest wall of a building
- (iii) accessible to the building without any necessity of crossing a parking lot
- (iv) in one location
- (v) of a size that will contain at least twenty-five (25) square feet of play space for each one bedroom unit, and at least fifty (50) square feet of play space for each two or more bedroom units.

(3) THAT By-law #279 (1974), as amended, is further amended:

- (a) by adding a new section 28.2 to the by-law, with such new section to read as follows:

28.2 - HAZARD (H) ZONE -

No person shall within any Hazard (H) Zone use any land, or erect, alter, or use any building or structure except in accordance with the provisions of Section 27 of By-law #279 (1974).

(4) THAT in addition to the other requirements and provisions of this by-law, no building or structure of any type shall be erected in the area between that line shown on Schedule "B" and marked as "Building Line" and that line shown on Schedule "B" and marked as "Top of Slope". The line marked Building Line represents a line drawn fifteen (15') feet of even width throughout from the top of the slope of the ravine. The line marked Top of Slope represents the boundary of the hazard zone.

(5) THAT the area designated as "Utility Service Corridor" in Schedule "B" shall indicate an area into which all storm drainage from asphalt surface, roads and walkways shall be directed.

(6) THAT the provisions of Clause (a) of Section 7.31 of By-law #279 (1974) shall not apply to the provisions of this by-law.

(7) THAT all other provisions of By-law #279 (1974), as amended, shall apply to the provisions of this by-law.

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(8) THAT any development of the lands described in Schedule "A" of this by-law shall be in accordance with this by-law, and shall require a Development Control Agreement executed between the Owner of the said lands and the Corporation of the Town of Pelham pursuant to Section 7.34 of By-law #279 (1974).

(9) THAT By-law #326 (1975) is hereby repealed and replaced by this by-law.

(10) THAT this by-law shall take effect from and after its final approval by the Ontario Municipal Board.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
25th. DAY OF October, 1976 A.D.

Robert L. Mays
MAYOR

M. Chenay Deputy
CLERK

SCHEDULE "A"

TO BY-LAW #387 (1976)

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Pelham, in the Regional Municipality of Niagara (formerly in the Village of Fonthill, in the County of Welland), and being composed of Block Y as shown in Registered Plan No. 25 for the said Village of Fonthill.

E. E. Lund
A. J. Mayne