

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 3867 (2017)

Being a by-law to amend Zoning By-law No. 1136 (1987), as amended, for lands located east of Station Street and north of Highway 20 East, municipally known as 105 Highway 20 East, from a site specific Neighbourhood Commercial (NC-85) zone to a site specific General Commercial (GC-275) zone with a holding (H) provision and to a site specific Residential Multiple 1 (RM1-276) zone with a holding (H) provision.

East Village Yards Ltd.
File No. AM-01-17

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 (H) symbol in conjunction with any use designation, specify the use to which the 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 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:

A site specific Neighbourhood Commercial (NC-85) zone to A site specific General Commercial (GC-275) zone with a holding (H) provision

A site specific Neighbourhood Commercial (NC-85) zone to A site specific Residential Multiple 1 (RM1-276) 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:

GC-275 (H) Sections 20.1 and 20.2 of the General Commercial (GC) zone are deleted in their entirety and replaced, Sections 20.3 and 20.4 of the General Commercial (GC) zone are deleted in their entirety, and the lands identified as GC-275 (H) shall be subject to the following provisions:

20.1 PERMITTED USES

apartments; bake shops; banks/financial institutions; barber shops and beauty salons; clinics; commercial clubs; day nursery; gymnasiums/fitness centres; laundry, laundromat or dry cleaning establishment; offices; personal care, spas or treatment centres; restaurants; retail stores; and, uses, buildings and structures accessory to the foregoing permitted uses.

20.2 REGULATIONS

(a) Minimum Lot Frontage	15.5 m (50.85 ft)
(b) Minimum Lot Area	465 m ² (5005.38 ft ²)
(c) Maximum Lot Coverage	60 percent above grade 100 percent below grade
(d) Maximum Gross Leasable Floor Area for Non-Residential Uses	2 000 m ² (21 527 ft ²)
(e) Maximum Building Height	25.0 m (82.0 ft) or 6-storeys
(f) Maximum Density for Apartments	120 units per hectare
(g) Minimum Above Grade Building Setback:	
Minimum Front Yard (From Station Street)	1.0 m (3.28 ft)
Minimum Side Yard (North Property Line of the Mixed Use Condominium Domain and the Townhouse Condominium Domain)	7.5 m (24.60 ft)
Minimum Rear Yard (East Property Line)	15.0 m (49.21 ft) for main building 13.0 m (42.65 ft) for balconies
Minimum Exterior Side Yard (From Highway 20 East)	0 m (0 ft) Balconies cannot project past lot line
(h) Minimum Setback for Sub-Grade Structures and Ramps	0 m (0 ft) from any lot line
(i) Minimum At-Grade Landscape Open Space and/or Amenity Area Coverage	25 percent
(j) Grade Level Internal Roadway Width	Minimum 6.0 m (19.68 ft) along shared roadway locations

Notwithstanding the provisions under Section 6 of the General Provisions, Section 6.17 (a) is deleted, Sections 6.16 (a) and 6.16 (i) of the General Provisions is amended, and the lands identified as GC-275 (H) shall be subject to the following provisions:

6.16 (a) Parking Requirements	Apartment Dwelling
1.25 spaces per residential apartment unit	
All Commercial Uses	
3 spaces per 100 m ² (1 076.39 ft ²) of commercial gross floor area (c.g.f.a)	
Eating Establishments	
1 space per 4 persons seating capacity	

6.16 (i) Parking Area Location on Lot	Apartment Dwelling and Boarding House Dwelling
Location	All yards provided that no part of any parking area other than a driveway, is located closer than 3.0 m (9.84 ft) to any street line and no closer than 0.0 m (0 ft) to any side lot line or 3.0 m (9.84 ft) to the rear lot line

Notwithstanding the provisions under Schedule 'C' Geometric Design Standard for Parking, the lands identified as GC-275 (H) shall be subject to the following provisions:

Sub-Grade Parking Level Internal Roadway Width	Minimum 6.0 m (19.68 ft)
Parking Space Size	2.7 m (8.85 ft) wide by 5.8 m (19.02 ft) long

RM1-276 (H) Sections 16.1 and 16.4 of the Residential Multiple 1 (RM1) zone are deleted in their entirety and replaced, and the lands identified as RM1-276 (H) shall be subject to the following provisions:

16.1 PERMITTED USES

Block townhouse dwellings; and, uses, buildings and structures accessory to the foregoing permitted uses.

16.4 ZONE REQUIREMENT FOR BLOCK TOWNHOUSE DWELLINGS

(a) Minimum Lot Frontage	30.0 m (98.43 ft)
(b) Minimum Lot Area	2 000 m ² (21 528.53 ft ²)
(c) Maximum Density	35 dwelling units per hectare (14.17 dwelling units per ac)
(d) Minimum Front Yard	
From Station Street	7.0 m (22.96 ft) for main dwelling 4.0 m (13.12 ft) for covered porch or deck

Minimum Setback Between Front of Dwelling Unit and Internal Road	4.0 m (13.12 ft) for dwelling front or covered porch 6.0 m (19.68 ft) for garage door
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(e) Minimum Side Yard

Minimum Side Yard North Property Line	7.0 m (22.96 ft) for main dwelling 4.0 m (13.12 ft) for covered porch or deck
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Minimum Side Yard South-west Property Line	3.0 m (9.8 ft) for main dwelling 3.0 m (9.8 ft) for covered porch or deck
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Minimum Side Yard for most South-Easterly Dwelling Unit in the Townhouse block (South-east Property Line)	1.2 m (3.93 ft) for dwelling side walls 0.3 m (0.98 ft) for covered porch or deck
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Minimum Setback Between Side of Dwelling and Internal Road	2.0 m (6.56 ft) for dwelling side walls 2.0 m (6.56 ft) for covered porch or deck
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Minimum Setback Between Sides of Dwelling Units	2.4 m (7.8 ft) total
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(f) Minimum Rear Yard

East Property Line

Minimum Setback to Rear of Dwelling or a Covered Porch or Deck	7.0 m (22.96 ft) for main dwelling 4.0 m (13.12 ft) for covered porch or deck
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Minimum Rear Yard for Most Easterly Dwelling Unit in the Townhouse Block (North-east Property Line)	1.2 m (3.93 ft) for main dwelling 1.2 m (3.93 ft) for covered porch or deck
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Minimum Rear Yard for Most Easterly Dwelling Unit of the Townhouse Block (South-east Property Line)	4.0 m (13.12 ft) for main dwelling 2.0 m (6.56 ft) for covered porch or deck
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(g) Distance between buildings on the same lot:

A FACE OF A BUILDING MEANS one or other of the longest walls on 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 9.0 m (29.53 ft).

Any face of any townhouse shall be no closer than 11.0 m (36.0 ft) to any face of another townhouse.

Any side of any townhouse shall be no closer than 2.4 m (7.87 ft) to any side of another townhouse.

(h) Maximum Building Height 10.5 m (34.45 ft)

(i) Minimum Ground Floor Area for a Dwelling: One storey 88 m² (947.26 ft²)
Two storeys 50 m² (538.21 ft²)

(j) Minimum Landscape Area 25 percent

(k) Planting Strip
A planting strip of 1.2 m (3.93 ft) minimum in width shall be provided where the boundary of an RM1 zone abuts a R1 or R2 zone.

If a swale is required at the most easterly dwelling unit of the Townhouse Block (North-east Property Line), a minimum planting strip of 0.5 m (1.64 ft) with a privacy fence is required.

(l) Amenity Area

An amenity area shall be provided of a size that will contain at least 2.5 m² (26.91 ft²) of area for each one-bedroom unit and at least 5 m² (53.82 ft²) of area for each two or more bedroom units in one location for recreational use for the residents of the development.

(m) Minimum Internal Roadway Width 6.0 m (19.68 ft)

(n) Minimum Garage Width 3.4 m (11.15 ft)

(o) Maximum Building Coverage 42 percent

Notwithstanding the provisions under Section 6 of the General Provisions, Section 6.16 (a) is amended, and the lands identified as RM1-276 (H) shall be subject to the following provisions:

6.16 (a) Parking Requirements	Block Townhouse Dwelling
2 parking spaces per dwelling unit, which may include a space in a garage and a tandem parking space in the associated unit driveway	

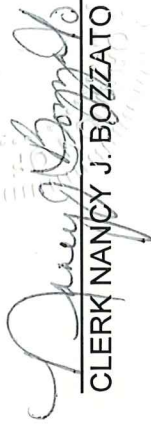
Notwithstanding the provisions under Schedule 'C' Geometric

Design Standard for Parking, the lands identified as RM1-276 (H) shall be subject to the following provisions:

Parking Space Size	2.7 m (8.85 ft) wide by
	5.8 m (19.02 ft) long

3. **THAT** the lifting of the holding (H) provision for the GC-275 (H) and RM1-276 (H) zones shall be subject to the Record of Site Condition having been filed with the Environmental Site Registry and a copy being provided to the Town.
4. **THAT** this By-Law shall become effective from and after the date of passing thereof pursuant to Sections 34(21), 34(30) and Section 36 of the Planning Act, R.S.O. 1990, as amended.

ENACTED, SIGNED AND SEALED THIS
1st DAY OF MAY, 2017 A.D.


MAYOR DAVE AUGUSTYN
CLERK NANCY J. BOZZATO

**EXPLANATION OF THE PURPOSE AND EFFECT OF
BY-LAW NO. 3867 (2017)**

This By-law involves a parcel of land located on the east side of Station Street and north of Highway 20 East, municipally referred as 105 Highway 20 East. The legal description of the subject parcel is described as Plan 717 Pt Blk B RP 59R-15262 Part 1.

This By-law rezones the lands from a site specific Neighbourhood Commercial (NC-85) zone to a site specific General Commercial (GC-275) zone with a holding (H) provision and to a site specific Residential Multiple 1 (RM1-276) zone with a holding (H) provision.

The holding (H) provision for the General Commercial (GC-275) zone and the Residential Multiple 1 (RM1-276) zones shall remain in place until the Record of Site Condition has been filed with the Environmental Site Registry and a copy being provided to the Town.

This By-law will facilitate the development of a mixed use building with commercial units at grade and condominium apartment units above grade adjacent to Highway 20 East; and, twenty-two (22) block townhouse units at the rear of the parcel.