



The Corporation of the Town of Pelham

By-law No. 18-2023

Being a By-law to amend Zoning By-law 1136(1987), as amended, for lands located at 125 Port Robinson Road, legally described as Part of Township Lot 167, Part 1, Plan 59R-5449, Town of Pelham, Regional Municipality of Niagara, from the Agricultural Zone to the site specific Residential Two - 330, Residential Multiple One - 331, Residential Multiple One - 332 and Residential Multiple Two - 333 Zones.

File No. AM-03-2022

WHEREAS section 34 of the *Planning Act*, RSO 1990, c. P. 13, 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 Council of the Corporation of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS Official Plan Amendment No. 18 to the Town of Pelham Official Plan has come into force and effect;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems 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 1136(1987) as amended, is hereby further amended by rezoning the lands identified on Schedule 'A' attached hereto and forming part of this By-law from the Agricultural (A) Zone to the site specific Residential Two - 330 (H), Residential Multiple One - 331 (H), Residential Multiple One - 332 (H) and Residential Multiple Two - 333 (H) Zones;
2. **AND THAT** Section 30 of Zoning By-law 1136(1987) as amended, is hereby amended by adding the following:

R2-330 (H)

Notwithstanding Sections 14.2(c), (d), (e), (f) and (i) of the Residential 2 (R2) zone, the following site-specific regulations shall apply:

Section 14.2 – Regulations for Single Detached Dwellings:

c)	Minimum Lot Coverage	Delete
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d)	Minimum Front Yard	4.5m to dwelling; 6m to garage
e)	Minimum Interior Side Yard Setback	1.2m
f)	Minimum Exterior Side Yard	3m
i)	Minimum Ground Floor Area for a Dwelling	(i) One Storey – 88m ² (ii) Two Storey – 50m ²

RM1-331 (H)

Notwithstanding Sections 16.2(a), (b), (c), (d), (e), (f) and (j) of the Residential Multiple 1 (RM1) zone, the lands zoned as RM1-331 (H) shall be used only for Street Townhouse Dwellings and buildings, structures and uses accessory thereto, and shall be subject to the following site-specific provisions:

Section 16.3 – Regulations for Street Townhouse Dwellings:

a)	Minimum Lot Frontage	6m for interior units; 7.2m for end units
b)	Minimum Corner Lot Frontage	7.5m per dwelling unit
c)	Minimum Lot Area	170m ² per dwelling unit
d)	Minimum Front Yard	4.5m to dwelling; 6.0m to garage
e)	Minimum Exterior Side Yard	3m
f)	Minimum Interior Side Yard Setback	1.2m and 0m for a common wall
j)	No planting strip shall be required.	

RM1-332 (H)

Notwithstanding Sections 16.2(a), (b), (c), (d), (e), (f) and (j) of the Residential Multiple 1 (RM1) zone, the lands zoned as RM1-332 (H) shall be used only for Street Townhouse Dwellings and buildings, structures and uses accessory thereto, and shall be subject to the following site-specific provisions:

Section 16.3 – Regulations for Street Townhouse Dwellings:

g)	Minimum Lot Frontage	6m for interior units; 7.2m for end units
h)	Minimum Corner Lot Frontage	7.5m per dwelling unit
i)	Minimum Lot Area	170m ² per dwelling unit
j)	Minimum Front Yard	4.5m to dwelling;
k)	Minimum Exterior Side Yard	3m
l)	Minimum Interior Side Yard Setback	1.2m and 0m for a common wall
j)	No planting strip shall be required.	
k)	All access shall be provided by a laneway. No direct access shall be provided to Klager Avenue.	

RM2-333 (H)

Notwithstanding Section 6.16(a) of the General Provisions and Sections 17.2(a), (d) and (g) of the Residential Multiple 2 (RM2) zone and, the following site-specific regulations shall apply:

Section 6.16

(a)	Parking Requirements	1.25 spaces per unit
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Section 17.2 – Regulations for Apartment Dwellings:

a)	Minimum Lot Area	117m ² per dwelling unit
d)	Maximum Density	86 units per hectare
g)	Minimum Rear Yard (Port Robinson Rd.)	One-half of the height of the building, or 7.5m, whichever is greater
b)	Parking Requirements	1.25 spaces per unit

3. **THAT** the lifting of the holding (H) provision for the R2-330 (H), RM1-331(H) and RM1-332(H) zones shall be subject to the following:

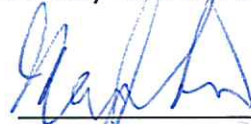
A Developer's Group Agreement or equivalent has been entered into to the satisfaction of the Director of Community Planning for the and final approval of a plan of subdivision by the Town.

4. **THAT** the lifting of the holding (H) provision for the RM2-333 (H) zone Street shall be subject to the following:

Site servicing has been addressed to the satisfaction of the Director of Public Works.

5. **THAT** this Bylaw shall come into force and effect from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the *Planning Act*, 1990, as amended.

Read, enacted, signed and sealed this 21st day of February 2023.

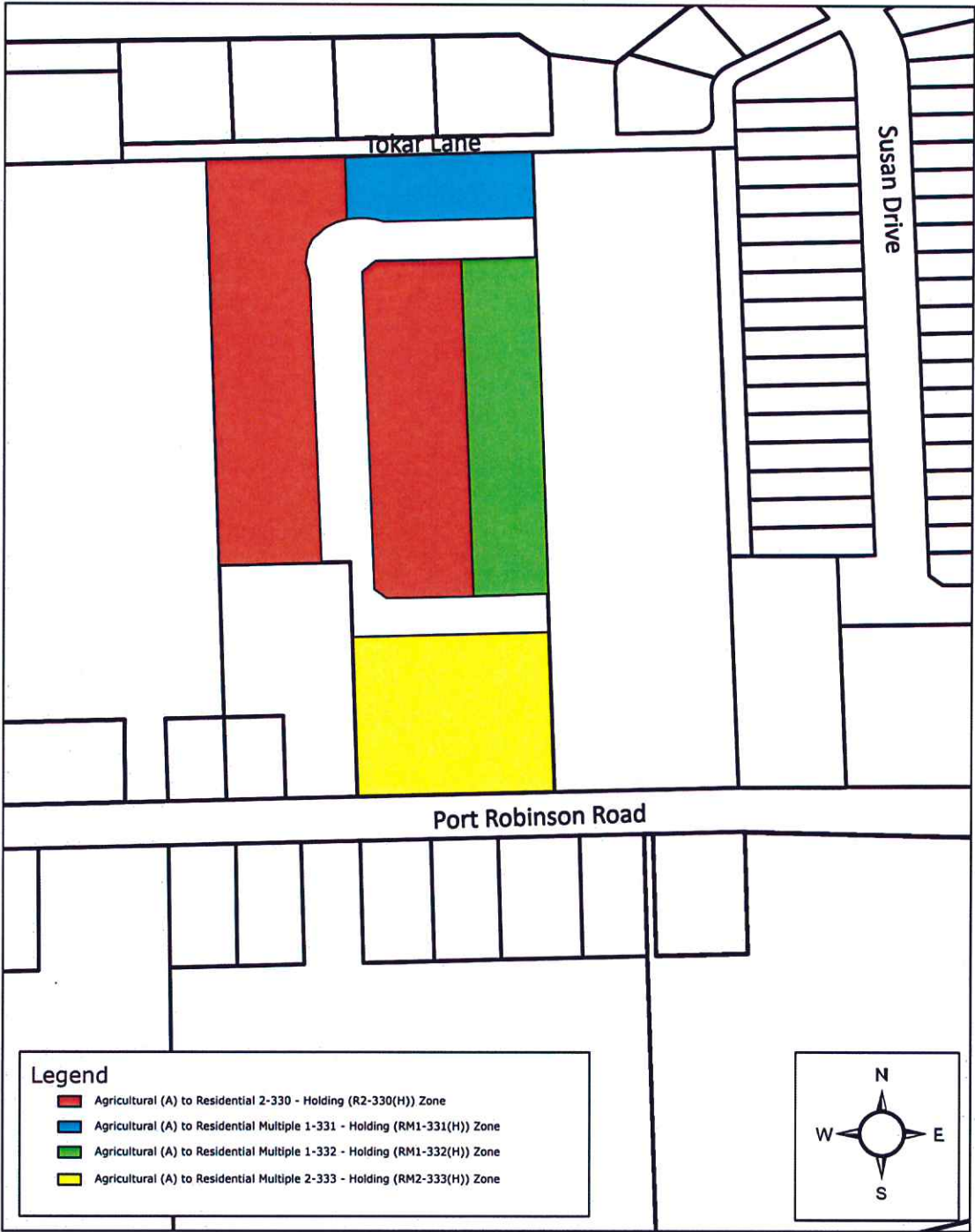


Marvin Junkin, Mayor



Holly Willford, Town Clerk

Schedule 'A'



0 23.5 47 94 141 188 Meters

This is Schedule 'A' to By-law No. 18 (2023) passed the 21st day of February, 2023.


Mayor: Marvin Junkin


Clerk: Holly Wilford