

The Corporation of the
Town of Pelham
BY-LAW NO. 4138(2019)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Port Robinson Road, west of Walker Road, Acacia Road and Swan Avenue, legally described as Part of Lots 171-172 and Part 1 on RP 59R-3218, in the Town of Pelham. The Zoning By-law Amendment rezones the lands from the Agricultural (A) zone to the following site specific zones:

- Residential 2 – 290 (R2-290)
- Residential Multiple 1 – 291 (RM1-291)
- Open Space – 292 (OS-292)
- Open Space – 293 (OS-293)
- Environmental Protection – 294 (EP-294)

Hert Inc.

File No. AM-04-18

WHEREAS, Section 34 of the Planning Act. RSO 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;

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 PELHAM ENACTS AS FOLLOWS:

1. **THAT** Schedule ‘A5’ to Zoning By-law 1136 (1987), as amended, is hereby amended by rezoning the lands identified on Schedule ‘A’, attached hereto and forming part of this By-law from:
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| Agricultural (A) to | Residential 2 – 290 (R2-290) |
| Agricultural (A) to | Residential Multiple 1 – 291 (RM1-291) |
| Agricultural (A) to | Open Space – 292 (OS-292) |
| Agricultural (A) to | Open Space – 293 (OS-293) |
| Agricultural (A) to | Environmental Protection – 294 (EP-294) |
2. **THAT** Section 30 – Exceptions of By-law No. 1136 (1987), as amended, be modified by adding the following:

Definitions	Section 5 of the Definitions is amended for the subject lands as follows:
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Section 5.55

d) Second Dwelling Unit
Means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building (e.g. in-law suite, basement suite, coach house).

General Provisions	Section 6 of the General Provisions is amended by deleting and replacing the following subsections as follows for the lands identified as R2-290 and RM1-291:
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Section 6.1 – Accessory Uses	
a) General	Where this By-law provides that a lot, building or structure may be erected or used for a purpose, that purpose shall include any accessory

building, structure or accessory use, but shall not include any occupation for gain or profit conducted within or accessory to a dwelling unit except as in this By-law is specifically permitted.

Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, or their accessory building provided:

- i) The maximum floor area does not exceed 60 m².
- ii) A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling.
- iii) A minimum of one parking stall is required.
- iv) Compliance with the Ontario Building Code and Fire Code, as applicable.

c) Maximum Height

Except as otherwise provided herein, no accessory building shall exceed 3.7 m in height and no accessory building containing a second dwelling unit shall exceed 6 m in height.

Section 6.2 – Dwelling Units Below Grade

Deleted.

Section 6.16 – Parking Area Regulations

d) Ingress and Egress

i) Ingress and egress, to and from required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3 m wide, where only one-way traffic is permitted or if the number of residential units is three or less, and have a minimum width of 6.5 m, but not more than 7.3m in perpendicular width where two-way traffic is permitted.

All uses fronting Port Robinson Road and Street 'C' from a point no less than 220 m south of Port Robinson Road shall be accessed from a public or private laneway.

ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 7.3 m.

Section 6.35 – Yard Encroachments Permitted

c) Unenclosed Porches, Balconies, Steps & Patios

Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and patios, covered or uncovered shall not be permitted within 2 m of the front lot line or exterior side lot line, and 4.5 m of the rear lot line provided that, such uses are not more than 1.3 m above ground. Uncovered patios

and decks shall not be permitted within 1.2 m of a rear or side lot line provided that, such uses are not more than 0.3 m above ground.

R2-290 Notwithstanding Section 14 of the Residential 2 (R2) zone, the following site-specific regulations shall apply:

Section 14.1 – Permitted Uses

- a) One single detached dwelling;
- b) Uses, buildings and structures accessory thereto;
- c) Home occupations.

Section 14.2 – Regulations

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| a) Minimum Lot Area | 360 m ² |
| b) Minimum Lot Frontage | 12 m |
| | 13 m on a corner lot |
| c) Minimum Front Yard | 4 m to dwelling front face |
| | 6 m to garage |
| d) Maximum Front Yard | 5.5 m to dwelling front face |
| e) Minimum Interior Side Yard | 1.2 m on both sides |
| | where carport or garage is attached, or 1.2 m on one side and 3 m on the other side where there is no attached carport or garage. |
| f) Minimum Exterior Side Yard | 3 m to dwelling |
| | 6 m to garage |
| g) Minimum Rear Yard | 7.5 m |
| h) Maximum Height | 10.5 m |
| i) Max Attached Garage Width | 7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less. |
| j) Max Driveway Width | 7 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less. |

RM1-291 Notwithstanding Section 16 of the Residential Multiple 1 (RM1) zone, the following site-specific regulations shall apply:

Section 16.1 – Permitted Uses

- a) Semi-detached dwellings;
- b) Duplex dwellings;
- c) Triplex dwellings;
- d) Fourplex dwellings;
- e) Converted dwellings;
- f) Street townhouse dwellings;
- g) Block townhouse dwellings;
- h) Uses, buildings and structures accessory thereto;
- i) Home occupations.

Section 16.2 – Regulations for semi-detached, duplex, triplex, fourplex and converted dwellings

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|-------------------------------|---|
| a) Minimum Lot Area | 150 m ² per dwelling unit |
| b) Minimum Lot Frontage | 16 m |
| c) Minimum Front Yard | 4 m to dwelling front face |
| | 6 m to garage |
| d) Maximum Front Yard | 5.5 m to dwelling front face |
| e) Minimum Interior Side Yard | 1.2 m on both sides |
| | where carport or garage is attached, or 1.2 m on one side and 3 m on the other side where there is no attached carport or garage. |
| f) Minimum Exterior Side Yard | 3 m to dwelling |
| | 6 m to garage |
| g) Minimum Rear Yard | 7.5 m |
| h) Maximum Height | 10.5 m |

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| i) Max Attached Garage Width | 7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less. |
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Section 16.3 – Regulations for street townhouse dwellings

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| a) Minimum Lot Area | 180 m ² per dwelling unit |
| b) Minimum Lot Frontage | 6 m per dwelling unit
8 m per dwelling unit attached on one side only |
| c) Minimum Front Yard | 4 m to dwelling front face
6 m to garage |
| d) Maximum Front Yard | 5.5 m to dwelling front face |
| e) Minimum Interior Side Yard | 1.2 m |
| f) Minimum Exterior Side Yard | 3 m to dwelling
6 m to garage |
| g) Minimum Rear Yard | 7.5 m |
| h) Maximum Height | 10.5 m |
| i) Max Attached Garage Width | 7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less. |

Section 16.4 – Regulations for block townhouse dwellings

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| a) Minimum Lot Area | 2000 m ² |
| b) Minimum Lot Frontage | 30 m
attached on one side only |
| c) Minimum Density | 20 units per hectare |
| d) Minimum Front Yard | 2.5 m on a street or internal laneway
6 m to garage on a street or internal laneway |
| e) Maximum Front Yard | 5 m on a street or internal laneway |
| f) Minimum Interior Side Yard | 1.2 m to dwelling, except where the rear of a building faces the side yard, the minimum side yard shall be 6 m
Detached garages shall have a 0 m setback with a shared masonry wall on one side and a 2.4 m setback on the other side. |
| g) Minimum Exterior Side Yard | 3 m on a street or internal laneway
6 m to garage on a street or internal laneway |
| h) Maximum Exterior Side Yard | 5 m on a street or internal laneway |
| i) Minimum Rear Yard | 6 m, except where the side of a building faces the rear yard, the minimum rear yard shall be 1.2 m
0.5 m to garage on internal laneway |
| j) Maximum Height | 10.5 m |
| k) 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 7.2 m.

Any face of any townhouse shall be no closer than 11 m to any face of another townhouse.

Any side of any townhouse shall be no closer than 3 m to any side of another townhouse.

- l) Max Attached Garage Width 7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.
- m) Minimum Landscaped Area 25 %
- n) Amenity Area 5 m² of amenity area shall be provided for each unit in one location for recreational use of the residents.

OS-292 Notwithstanding Section 26 of the Open Space (OS) zone, the following site-specific regulations shall apply:

Section 26.1 Permitted Uses

- a) Public parkland
- b) Conservation and flood control projects;
- c) Recreational uses such as trails, fences, and picnic facilities; and
- d) Uses, buildings and structures accessory to the foregoing permitted uses.

Section 26.2 Regulations

- c) Minimum Lot Area 0.4 ha
- d) Minimum Lot Frontage 15 m
- e) Maximum Lot Coverage 10 %
- f) Minimum Front Yard 4 m
- g) Minimum Exterior Side Yard 4 m
- h) Minimum Side Yard 4 m
- i) Minimum Rear Yard 7.5 m
- j) Maximum Building Height 12 m

OS-293 Notwithstanding Section 26 of the Open Space (OS) zone, the following site-specific regulations shall apply:

Section 26.1 Permitted Uses

- j) Forest, fish and wildlife management uses;
- k) Conservation and flood control projects;
- l) Stormwater management facilities; and
- m) 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.

Section 26.2 Regulations

- k) Minimum Lot Area 0.4 ha
- l) Minimum Lot Frontage 15 m

EP-294 The lands identified as EP-296 shall be subject to the following site-specific regulations:

Permitted Uses

- a) Forest, fish and wildlife management uses;
 - b) Conservation and, flood control projects; and
 - c) Small-scale, passive recreation uses such as trails, fences, docks and picnic facilities that will have no negative impact on natural features or on the ecological functions of such features.
- a) **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED and SEALED THIS

16th day of September, 2019.

MAYOR: MARVIN JUNKIN

CLERK: NANCY J. BOZZATO