

The Corporation of the Town of Pelham

BY-LAW NO. 4320(2021)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located at 3 Hurricane Road (north side of Hurricane Road opposite Chestnut Street), legally described as Part of Lot 163, formerly Township of Thorold, now in the Town of Pelham. The Zoning By-law Amendment rezones the lands from the Residential 1 (R1) zone to the following site-specific zones:

- Residential 1 – 302 (R1-302)
- Residential 1 – 303 (R1-303)

AJDS Properties Ltd.

File No. AM-09-2020

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:
Residential 1 (R1) to Residential 1 – 302 (R1-302)
Residential 1 (R1) to Residential 1 – 303 (R1-303)
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 by adding to, or replacing the corresponding sections as follows:
-------------	---

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).

Section 5.153

i. Where a setback is measured from the ‘dwelling front face’, this shall include any portion of a building face exposed to the street line including the front door, but does not include a covered porch.

General Provisions	Section 6 of the General Provisions is amended by deleting and replacing the following subsections as follows for the lands identified as R1-302 and R1-303:
--------------------	--

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.

In the R1-302 zone, only one second dwelling unit is permitted per lot in a single detached or their accessory building provided:

- i) The maximum floor area does not exceed 65 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.

c) Maximum Height

Except as otherwise provided herein, no accessory building shall exceed 6 m in height.

Section 6.2 – Dwelling Units Below Grade
Deleted.

Section 6.16 – Parking Area Regulations
d) Ingress and Egress

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

R1-302 In addition to the provisions of Section 13.2 of the Residential 1 (R1) zone, the following site-specific regulations shall apply:

Section 13.2 – Regulations		
a) Minimum Lot Area		620 m²
b) Minimum Lot Frontage		17 m
c) Maximum Lot Coverage		35 %
d) Minimum Front Yard		6 m to dwelling front face 7.7 m to garage
	Maximum Front Yard	7.7 m to dwelling front face
e) Minimum Interior Side Yard		1.8 m or 3 m to a laneway
i) Minimum Ground Floor Area		Delete

R1-303 In addition to the provisions of Section 13 of the Residential 1 (R1) zone, the following site-specific regulations shall apply:

Section 13.1 – Permitted Uses
d) Existing accessory buildings

Section 13.2 – Regulations

- | | |
|------------------------------|--------|
| b) Minimum Lot Frontage | 4.7 m |
| i) Minimum Ground Floor Area | Delete |
| | . |

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
1st day of March, 2021.

MAYOR: MARVIN JUNKIN

CLERK: NANCY J. BOZZATO