

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. 4336 (2021)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands 1409 Station Street & 0 Summersides Boulevard (north side of Summersides Boulevard east of Station Street), legally described as legally as Part of Lots 7, 8, 9, 13 & 14, Registered Plan 717, Part of Thorold Township; Lot 166 & 167, Geographic Township of Thorold, in the Town of Pelham, from the Agricultural (A) zone to a site specific Residential 2 (R2-306) zone, a site specific Residential Multiple 1 (RM1-307) zone, a site specific Residential Multiple 1 (RM1-308) zone and an East Fonthill Open Space (EF-OS) zone.

Mountainview Homes (Niagara) Ltd.

File No. AM-08-20

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 further amended by rezoning the lands identified on Schedule 'A' attached hereto and forming part of this By-law from Agricultural (A) to a site specific Residential 2 (R2-306) zone, a site specific Residential Multiple 1 (RM1-307) zone, a site specific Residential Multiple 1 (RM1-308) zone and East Fonthill – Open Space (EF-OS) zone.
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:

Section 5.54

b) Back-to-back Semi-Detached Dwelling

Means a townhouse dwelling that contains dwelling units divided vertically from each other by common side walls and common rear walls

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 R2-301, RM1-302 and RM1-303:
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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.
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Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, 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.

b) Location	Detached garages shall be located in the rear yard with a minimum rear setback of 6.0 m to laneways, minimum 1.5 m setback from end wall to interior side lot line or 0 m setback from common wall to interior side lot line.
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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
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dwelling unit shall exceed 6 m in height.

- d) Maximum Lot Coverage 15%

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 8.0m in perpendicular width where two-way traffic is permitted.

All uses fronting Summersides Boulevard 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 8.0 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 2.0 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.

R2-306 Notwithstanding Section 14 of the Residential 2 (R2) zone, the following site-specific regulations shall apply:

Section 14.2 – Regulations

- a) Minimum Lot Area 360 m²
- b) Minimum Lot Frontage 12 m

- c) Maximum Lot Coverage delete
- d) Minimum Front Yard 4 m to dwelling front face 6 m to garage
- e) Minimum Interior Side Yard 1.2 m
- f) Minimum Exterior Side Yard 3 m
- g) Minimum Rear Yard 6.0 m
- h) Maximum Height 3 storey or 12 m, whichever is greater
- i) Min. Ground Floor Area for dwelling (i) One storey: 88 m²
(ii) Two or three storey: 50 m²

RM1-307 Notwithstanding Section 16 of the Residential Multiple 1 (RM1) zone, the following site-specific regulations shall apply:

Section 16.3 – Regulations for street townhouse dwellings

- c) Minimum Lot Area 170 m² per dwelling unit
- a) Minimum Lot Frontage 6 m
- b) Minimum Corner Lot Frontage 7.5 m
- d) Minimum Front Yard 3 m to dwelling front face / 6 m to garage
- e) Minimum Exterior Side Yard 3 m
- f) Minimum Interior Side Yard 1.2 m, 0 m to common wall
- g) Minimum Rear Yard 6.0 m
- h) Maximum Height 12 m or 3 storeys, whichever is greater
- i) Minimum Ground Floor Area for Dwelling

(i) One storey: 88 m²
(ii) Two or three storey: 50 m²
- j) Planting Strips delete

RM1-308 Notwithstanding Section 16 of the Residential Multiple 1 (RM1) zone, the following site-specific regulations shall apply:

Section 16.1 – Permitted Uses

In addition to the uses permitted by 16.1, back-to-back semi-detached dwellings shall also be permitted subject to the following regulations:

Section 16.3 – Regulations for back-to-back semi-detached dwellings

- a) Minimum Lot Frontage 6 m
- b) Minimum Corner Lot Frontage 10 m
- c) Minimum lot area 110 m² per dwelling unit
- d) Minimum front yard 6 m
- e) Minimum Exterior Yard 3 m
- f) Minimum Interior Side Yard 3.0 m to the side of
another-back-to-back semi-detached dwelling 0 m to common wall
- g) Minimum Rear Yard 0 m
- h) Maximum Building Height 12.5 m or 3 storeys,
whichever is greater
- i) Minimum Ground Floor Area for Dwelling
 - (i) One storey: 88 m²
 - (ii) Two or three storey: 22 m²

3. **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

6th DAY OF APRIL, 2021 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO