

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

BY-LAW NO. 4419(2022)

**Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the north side of Meridian Way, east of Station Street, legally described as Part of Lot 3 and 4, Registered Plan 717 and Part of Thorold Township Lot 167, Geographic Township of Thorold, now in the Town of Pelham from the Agricultural (A) zone to a site specific Residential Multiple 2 (RM2-312) zone and the East Fonthill Environmental Protection (EF-EP) zone.**

**Mountainview Homes (Niagara) Ltd.**

**File No. AM-08-20**

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**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 Multiple 2 (RM2-312) zone and East Fonthill – Environmental Protection (EF-EP) 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 5.124

a) Pedestrian Bridge or Canopy

Means a structure connected to two buildings for use by pedestrians to pass between two buildings.

General Provisions Section 6 of the General Provisions is amended by deleting and replacing the following subsections as follows for the lands identified as RM2-312:

Section 6.16 – Parking Area Regulations

e) Minimum number of parking spaces (RM2-312)

- i) 1.25 spaces / apartment dwelling unit
- ii) 1.5 spaces / Block townhouse dwelling unit
- iii) 0.5 spaces per nursing home or senior citizens house unit

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 2 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.

Section 17.1 – Permitted Uses

In addition to the uses permitted by 17.1, block townhouses, nursing homes and senior citizens apartment houses shall also be permitted provided that block townhouse dwellings do not constitute more than 50% of the total number of dwelling units.

Block townhouses shall be subject to the regulations of Section 16.4, except the following:

Section 16.4 – Regulations for block townhouses

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| a) Minimum Lot Frontage                               | delete. Block townhouses may be accessed via private road within the subdivision plan.   |
| b) Minimum Lot Area                                   | 2000 m <sup>2</sup>  |
| c) Maximum Density                                    | 20-60 units per hectare  |
| d) Minimum Front Yard                                 | 3 m to front face, 6 m to garage   |
| e) Minimum Interior Side Yard                         | 1.2 m, except where the rear of the building faces a side yard, the minimum side yard shall be 6.0 m and the minimum side yard abutting a street or internal roadway shall be 2.0 m. |
| f) Minimum Rear Yard                                  | 6 m  |
| g) Maximum Building Height                            | 10.5 m   |
| h) Minimum Ground Floor Area for a Dwelling           | delete   |
| i) Minimum Distance Between Dwellings on the Same Lot |  |

Any face of one townhouse shall be no closer to any side of another townhouse than 9 m.

Any face of any townhouse shall be no closer than 15 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.

j) Minimum landscaped area	25 percent
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k) Planting strip	delete
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l) Amenity area	delete
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#### Section 17.3 – Regulations for Apartments or Nursing Homes and Senior Citizens Apartment Houses

a) Minimum Lot Area	75 m <sup>2</sup> per dwelling unit
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b) Minimum Lot Frontage	30 m (for entire site). Frontage requirement deleted for land division subsequent to Plan registration, subject to site plan approval.
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c) Minimum Lot Depth	38 m
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d) Maximum Density	130.2 units per hectare
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e) Maximum Lot Coverage	30%
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f) Minimum Front Yard	4 m to Meridian Way. Front yard setback to lot lines created subsequent to plan registration is deleted subject to site plan approval.
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g) Minimum Rear Yard	7 m to northerly lot line as shown on “Park Place North Draft Plan of Subdivision. Rear yard setback to lot lines created subsequent to Plan registration is deleted subject to site plan approval.
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h) Minimum Interior Side Yard	4.5 m, except 0 m for an enclosed or unenclosed pedestrian bridge.
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i) Minimum Exterior Side Yard	one half the height of the building, or 7 m to
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	Meridian Way, whichever is greater.
j) Minimum Landscaped Area	35%
k) Maximum Height	5 storeys
l) Minimum floor area for dwelling unit	delete
m) Amenity area	delete

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  
24<sup>th</sup> DAY OF JANUARY, 2022 A.D.

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MAYOR MARVIN JUNKIN

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CLERK HOLLY WILLFORD