

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 4447(2022)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the southeast corner of Port Robinson Road and Station Street, legally described as Part of Lot 172, formerly Township of Thorold, now in the Town of Pelham. The Zoning By-law Amendment rezones the lands from the Agricultural (A) zone to the following zones:

- Residential 2 – 316 (R2-316)
 - Residential Multiple 1 – 317 (RM1-317)
 - Residential Multiple 2 – 318 (RM2-318)
 - East Fonthill – Open Space (EF-OS)
 - East Fonthill – Storm Water Management (EF-SWM)
 - East Fonthill – Environmental Protection (EF-EP)
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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 amended by rezoning the lands identified on Schedule 'A', attached hereto and forming part of this By-law from:

Agricultural (A) to Residential 2 – 316 (R2-316)

Agricultural (A) to Residential Multiple 1 – 317 (RM1-317)

Agricultural (A) and Residential Multiple 1 (RM1) to
Residential Multiple 2 – 318 (RM2-318)

Agricultural (A) to East Fonthill – Open Space (EF-OS)

Agricultural (A) to East Fonthill – Storm Water Management (EF-SWM)

Agricultural (A) to East Fonthill – Environmental Protection (EF-EP)

2. THAT Section 30 – Exceptions of By-law No. 1136 (1987), as amended, be modified by adding the following:

GENERAL PROVISIONS

Section 6 of the General Provisions is amended by deleting and replacing the following subsections as follows for the lands identified as R2-316, RM1-317 and RM2-318:

Section 6.16 – Parking Area Regulations

a) Parking Requirements

Apartment Dwelling 1.25 spaces / dwelling unit

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 Station Street from a point no more than 190 m south of Port Robinson Road shall be accessed from a public or private rear laneway or internal private driveway.

- 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 be permitted up to 1.2 m from a rear or side lot line provided that, such uses are not more than 0.3 m above ground.

RESIDENTIAL 2 ZONE SITE SPECIFIC 316 – (R2-316)

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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| d) Minimum Lot Area | 360 m ² |
| e) Minimum Lot Frontage | 12 m |
| f) Minimum Front Yard | 4 m to dwelling front face 6 m to garage |
| g) 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. |
| h) Minimum Exterior Side Yard | 3 m |
| i) Minimum Rear Yard | 6 m |
| j) Maximum Height | 10.5 m |
| k) Max Attached Garage Width | 7.0 m or 50% of the lot frontage |
| l) Max Driveway Width | 7.5 m or 50% of the lot frontage |

RESIDENTIAL MULTIPLE 1 ZONE SITE SPECIFIC 317 (RM1-317)

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) Uses, buildings and structures accessory thereto;
- h) 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 | 15 m |
| c) Minimum Front Yard | 4 m to dwelling front face 6 m to garage |
| d) 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. |
| e) Minimum Exterior Side Yard | 3 m |
| f) Minimum Rear Yard | 6 m |
| g) Maximum Height | 10.5 m |
| h) Max Attached Garage Width | 7.5 m or 50% of the lot frontage |
| i) Max Driveway Width | 7 m or 50% of the lot frontage |

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, 7 m per dwelling unit attached on one side only |
| c) Minimum Front Yard | 4 m to dwelling front face 6 m to garage |
| d) Minimum Interior Side Yard | 1.5 m |
| e) Minimum Exterior Side Yard | 3 m |
| f) Minimum Rear Yard | 6 m |
| g) Maximum Height | 10.5 m |
| h) Max Attached Garage Width | 7.5 m or 60% of the lot frontage |
| i) Max Driveway Width | 7 m or 60% of the lot frontage, or 20% of the lot depth, whichever is less |

RESIDENTIAL MULTIPLE 2 ZONE SITE SPECIFIC 318 (RM2-318)

Notwithstanding Section 17 of the Residential Multiple 2 (RM2) zone, the following site-specific regulations shall apply:

Section 17.1 – Permitted Uses

- a) Apartment dwellings;
- b) Apartment dwellings above at-grade commercial or day nursery;
- c) Street townhouse dwellings;
- d) Block townhouse dwellings;
- e) Day nurseries;
- f) Convenience retail and service commercial uses;
- g) Uses, buildings and structures accessory thereto;
- h) Home occupations.

Section 17.2 – Regulations for apartment dwellings and apartments with at-grade commercial or day nurseries

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|-------------------------|---------------------------|
| a) Minimum Lot Area | 0.75 ha for day nurseries |
| a) Minimum Lot Frontage | 30 m |
| b) Minimum Lot Depth | 38 m |

- c) Minimum Density 35 units per hectare
- d) Maximum Density 160 units per hectare within 100 m of Station Street and Port Robinson Road, or 75 units per hectare elsewhere.
- e) Minimum Front Yard 3 m
- f) Minimum Interior Side Yard 3 m or 10 m where abutting single detached, semi-detached or townhouse dwellings
- g) Minimum Exterior Side Yard 3 m
- h) Minimum Rear Yard 3 m or 10 m where abutting single detached, semi-detached or townhouse dwellings
- i) Minimum Height 11 m or 3-storeys, whichever is greater.
- j) Maximum Height 22 m or 6-storeys, whichever is less, within 100 m of Station Street and Port Robinson Road, 17 m or 5-storeys, whichever is less, elsewhere.
- k) Minimum Landscaped Area 25 %
- l) Maximum Commercial Floor Area 150 m² per unit / max 3 units

Section 17.3 – Regulations for street townhouse dwellings

- a) Minimum Lot Area 120 m² per dwelling unit
- b) Minimum Lot Frontage 6 m per dwelling unit and 7 m per dwelling end unit where garage faces front lot line. Or, 5 m per dwelling unit and 6 m per dwelling end unit where garage access from rear lane.
- c) Minimum Front Yard 3 m to dwelling front face' 6m to garage
- d) Minimum Interior Side Yard 1.5 m
- e) Minimum Exterior Side Yard 3 m to dwelling and 6 m to garage
- f) Minimum Rear Yard 6 m
- g) Maximum Height 10.5 m
- h) Max Attached Garage Width 7.5 m or 60% of the lot frontage.
- i) Max Driveway Width 7 m or 60% of the lot frontage

Section 17.4 – Regulations for block townhouse dwellings

- a) Minimum Lot Area 2000 m²
- b) Minimum Lot Frontage 22 m
- c) Minimum Density 20 units per hectare
- d) Minimum Front Yard 3 m on a street or internal laneway
- e) 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
- f) Detached garages May have a 0 m setback with a shared wall on one side and a 1.5 m setback on the other side.
- g) Minimum Exterior Side Yard 3 m on a street or internal laneway and 6 m to garage on a street or internal laneway
- h) 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
- i) 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.

j) Max Attached Garage Width 7.5 m or 60% of the dwelling width without rear lane access.

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

19th day of April, 2022.

MAYOR: MARVIN JUNKIN

CLERK: HOLLY WILLFORD