



The Corporation of the Town of Pelham

By-law No. 55-2023

Being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 1039 Church Street, legally described as Parts 2, 3 and 5, Plan 16 and Part 1, RP 59R-4712 Part of Lot 11, Concession 14, Town of Pelham, Regional Municipality of Niagara, from the Residential One (R1) zone to the site-specific Residential 1-148 (R1-148), Residential Multiple 2-149 (RM2-149) and Environmental Protection 1 (EP1) zones.

File No. AM-06-2023

WHEREAS Section 34 of the *Planning Act*, RSO 1990, c. P. 13, 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;

AND WHEREAS the Council of the Corporation of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it to be in the public interest that such a by-law be enacted;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

- 1. THAT** Schedule 'B' to Zoning By-law 4481(2022) as amended, is hereby further amended by rezoning the lands identified on Schedule 'A' attached hereto and forming part of this By-law from the from the Residential One (R1) zone to the site-specific Residential 1-148 (R1-148), Residential Multiple 2-149 (RM2-149) and Environmental Protection 1 (EP1) zones.

- 2. THAT** Section 10 of Zoning By-law 4481(2022) as amended, is hereby amended by adding the following:

Residential One-148 (R1-148)

Notwithstanding Section 6.1.2 of the Residential One Zone, the following special regulation shall apply:

Minimum Lot Frontage	12.0 m
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Residential Multiple Two-149 (RM2-149)

Notwithstanding Sections 3.15(a) of the General Provisions, 4.1.4.8 of the Parking and Loading Requirements and 6.5.2 of the Residential Multiple Two Zone, the following special regulations shall apply:

3.15 Landscaped Strips

a) Where land is required to be used for no other purpose than a landscape strip, it shall have a minimum width of 1.5m, measured perpendicular to the lot line it adjoins, except in the case of a rear yard swale where a minimum width of 1.5m shall be required.

4.1.4.8 Parking Area Location on Lot

Apartment dwelling

Shall be permitted except in any front yard and corner yard provided that no part of any parking area, other than a driveway is located closer than 7.5m to any street line and no closer than 1.5m to any side lot line or rear lot line.

6.5.2 Zone Requirements

Minimum Lot Frontage	9.4 m
Minimum Lot Area	232 m ² per unit
Minimum Front Yard	78.0 m
Maximum Front Yard	78.0 m
Minimum Rear Yard	5.0 m

3. **THAT** this Bylaw shall come into force and effect from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the *Planning Act*, 1990, as amended.

Read, enacted, signed and sealed this 20th day of September 2023.

John Wink, Deputy Mayor

William Tigert, Town Clerk