

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

BY-LAW NO. 1261 (1989)

Being a by-law to regulate the use of lands and the character and use of buildings and structures within certain areas of the Town of Pelham.

WHEREAS Section 34 of the Planning Act, S.O. 1983, 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 Planning & Development Committee 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 has deemed 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) A new "Highway Commercial - HC" Zone be established as follows:

HIGHWAY COMMERCIAL HC ZONE

Subject to the general provisions of Section 6 of By-Law 1136 (1987) and all other applicable requirements and sections of By-Law 1136 (1987), the provisions of this section shall apply throughout the Highway Commercial Zone.

**1.1 PERMITTED USES**

(a) automobile service stations; motor fuel retail outlets; car washes (automatic or coin operated); vehicle repair shops; motor vehicle sales, service and rental establishments; vehicle autobody shops; dry cleaning plants; farm implement sales and service; service shops; restaurants including take-out, drive-in, eat-in restaurants and refreshment rooms; places of entertainment and recreation; public and private clubs; hotels and motels; custom workshops; showrooms; light manufacturing and warehousing within wholly enclosed buildings; farm produce market; personal service shop; antique shop; arts and crafts shop; magazine, stationary or tobacco shop; bakery; bakeshop; bank; delicatessen; studio; souvenir and novelty shop;

building supply outlets within wholly enclosed buildings; nursery or garden centre; swimming pool sales and service; machinery and equipment sales, service and retail; boat, trailer and recreational vehicle sales, service and rental; funeral homes and undertaking establishment; plumbing, heating, electrical, air conditioning sales and service; radio and television sales, service and rental; warehouse sales outlets; business and professional offices; shopping centres less than 2,323 square metres (25,000 square feet).

- (b) uses, buildings and structures accessory to the foregoing permitted uses.

(2) REGULATIONS FOR PERMITTED USES

- (a) Minimum Lot Frontage 30m (100 sq. ft.)
- (b) Minimum Lot Area 1400 sq. m.  
(15,070 sq. ft.)
- (c) Maximum Lot Coverage 60 percent
- (d) Minimum Front Yard 18m (60 ft.)
- (e) Minimum Side Yard

- i) nil where the yard abuts a commercial zone and legal access is available to the rear yard by a private or public land or easement

- ii) one side yard 4.0 metres, and the other side yard nil, where the yard abuts a commercial zone and no access to the rear yard is available except via the said side yard

- iii) 9.0 metres where the side yard is adjacent to a residential zone

- iv) 9.0 metres where the yard abuts a street  
(minimum exterior side yard)

- (f) Minimum Rear Yard

none except where adjacent to a residential zone the minimum rear yard shall be 9.0 metres

con't.

(g) Yards Adjacent to a Railway

Notwithstanding sections e) and f) herein, no minimum side yard or rear yard shall be required adjacent to a railway.

(h) Landscaping

In addition to the provisions of section 6.17 Planting Strips of By-Law 1136 (1987), a planting strip shall be required along the front lot line, exterior side lot line and rear lot line where it abuts a street, and shall be required along any lot line which abuts a railway.

(i) Exterior Lighting

In addition to the provisions of section 6.16 e) of By-Law 1136 (1987), exterior lighting and illuminated signage shall be directed away from any adjacent residential zone.

(j) Loading Spaces

In addition to the provisions of section 6.9 of By-law 1136 (1987), no loading space shall be permitted in a yard adjacent to a residential zone.

(3) The definitions of section 5 of By-Law 1136 (1987) shall apply throughout the Highway Commercial Zone. In addition, the following definition is established as follows:

"Warehouse sales outlet (factory outlet, warehouse showroom) means a building or structure or part thereof where commodities are stored and offered for sale and shall include only the following: home furnishing and home improvement products, furniture, appliances, electrical fixtures, carpets and floor coverings, building supplies, plumbing supplies, draperies and decorating supplies such as paints and wallpaper."

con't.

(4) The provisions of section 6.16 a) of By-Law 1136 (1987) shall apply throughout the Highway Commercial Zone, with the exception of the minimum parking requirement for a "Retail Store" which is deleted and replaced as follows:

<u>Type of Use</u> <u>Requirement</u>	<u>M i n i m u m   P a r k i n g</u>
Retail Store (other than a furniture store or factory outlet.	1 space per 25m <sup>2</sup> (269 sq. ft.)


(5) Notwithstanding the Permitted Uses of the "Highway Commercial , HC" zone as outlined in section 1 above, nothing shall prevent the continued use of the lands zoned "Highway Commercial Exception 85, HC 85" on Schedule A attached hereto and forming part of this by-law for open storage facilities.

(6) Notwithstanding the Permitted Uses of the "Highway Commercial, HC" zone as outlined in section 1 above, nothing shall prevent the use of lands zoned "Highway Commercial Exception 84, HC 84" on Schedule A attached hereto and forming part of this by-law for residential use (apartments) as an ancillary use to the principle commercial use of the property.

- (7) i) The lands identified on Schedule A attached hereto and forming part of this by-law are hereby zoned "Highway Commercial, HC".
- ii) The lands identified on Schedule A attached hereto and forming part of this by-law are hereby zoned "Highway Commercial Exception 85, HC 85".
- iii) The lands identified on Schedule A attached hereto and forming part of this by-law are hereby zoned "Highway Commercial Exception 84, HC 84".

(8) That this by-law will come into force and take effect pursuant to Sections 34(19) and 34(31) of the Planning Act, S.O. 1983.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
5TH DAY OF JUNE ,1989 A.D.

  
MAYOR

  
CLERK