

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #322 (1975)

Being a by-law to regulate the use of land, and the character, location and use of buildings and structures in a defined area of the Town of Pelham.

WHEREAS authority is granted under Section 35 of the Planning Act, R.S.O. 1970, subject to the approval of the Ontario Municipal Board to pass this by-law;

AND WHEREAS Council deems it desirable to zone the lands described in this by-law to Rural Commercial to permit the construction of a farm implement dealership, subject to the owner entering into a site plan agreement with the Corporation;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM
ENACTS AS FOLLOWS:

Section 1 -

The lands described in Schedule "A" attached hereto and forming part of this by-law be zoned Rural Commercial, in accordance with the provisions as set out in this by-law.

Section 2 - Interpretation and Administration -

2.1 - Application -

In interpreting and applying the provisions of this by-law they shall be held to be the minimum requirements for the promotion of the health, safety, comfort, convenience and general welfare of the inhabitants of the Town.

2.2 - Administration and Enforcement -

This By-law shall be administered by the Building Inspector and no permit for the use of land or for the erection or use of any building or structures or approval of any application for any municipal licence within the jurisdiction of the Council shall be issued or given, where the proposed building, structure or use would be in violation of any provisions of this By-law.

2.3 - Violation and Penalty -

Any person convicted of a breach of any provision of this By-law shall forfeit and pay, in the discretion of the convicting Magistrate, a penalty not exceeding (exclusive of costs) the sum of One Thousand Dollars, (\$1,000.00) for each offence, recoverable under The Summary Convictions Act.

2.4 - Shall to be Mandatory -

The word "shall" shall always be construed as mandatory in this By-law.

Section 3 - Definitions -

For the purposes of this By-law, the definitions and interpretation given in this section shall govern:-

3.1 - Accessory -

When used to describe a use, building or structure, means a use, or a building or structure, that is naturally and normally incidental, subordinate, and exclusively devoted to a principle use, building or structure and located on the same lot therewith.

3.2 - Alter -

Means any alteration in a bearing wall or partition column, beam, girder, or other supporting member of a building or structure, or any increase in the area or cubic contents of a building or structure.

3.3 - Building -

Includes any structure whether temporary or permanent, built for any purpose other than a lawful boundary, wall or fence, an

awning, bin, bunk or platform, vessel or vehicle used upon any land.

3.4 - Building Inspector -

Means the officer or employees of the Town for the time being charged with the duty of enforcing the provisions of the Building By-law which shall mean any by-law of the Town from time to time in force regulating the erection, alteration or repair of buildings.

3.5 - Commercial -

Means the use of land, building or structure for the purpose of buying and selling commodities, and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport, terminals, construction and other similar uses.

3.6 - Erect -

Includes, build, construct, or reconstruct, alter, enlarge and relocate and without limiting the generality of the foregoing shall be taken to include any associated physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

3.7 - Height of Building -

Means the vertical height from the finished grade around the exterior of the building to be highest point of the roof joists in the case of a flat roof, or to a point halfway up the roof in the case of a pitched roof.

3.8 - Landscaping -

Means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening, or other architectural elements, all of which are designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

3.9 - Loading Space -

Means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area,

(i) is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking is not for the purpose of offering commodities for sale or display, and

(ii) is adequate for the temporary parking of one commercial motor vehicle, and,

(iii) is not less than twelve feet (12') in width, nor less than thirty feet (30') in length, nor less than fourteen feet (14') in clear and unobstructed height, exclusive of any land used for access, manoeuvring, driveway or a similar purpose, and,

(iv) is not upon or partly upon any street, lane or alley, and

(v) has adequate access to permit ingress and egress of a commercial motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which access is to be used for the temporary parking or storage of any motor vehicle.

3.10 - Lot Frontage -

Means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line twenty-five feet (25') back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot lines.

3.11 - Lot Line -

Means any boundary of a lot.

3.12 - Lot Line, Front -

Means,

(i) the lot line that divides the lot from the street, but
(ii) in the case of a corner lot, the shorter street line shall be deemed to be the front lot line and the longer street line shall be deemed to be a side lot line, but

(iii) in the case of a corner lot with two street lines of equal length, the lot line that abuts the wider street, or abuts a County or Suburban Road or Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the owner of such corner lot may designate either street line as the front lot line.

3.13 - Lot Line, Rear -

Means the lot line opposite the front lot line.

3.14 - Lot Line, Side -

Means a lot line other than a front or rear lot line.

3.15 - Main Building -

Means the building designed or used for the main use on the lot.

3.16 - Parking Area -

Means an open area, other than a street, used for the temporary parking of two or more motor vehicles and available for public use whether free, for compensation or as an accommodation for visitors, clients, or customers or residents.

3.17 - Parking Space -

Means an area enclosed in a main building or in an accessory building or unenclosed, set aside for the purpose of parking a vehicle, having access to a street or lane.

3.18 - Setback -

Means the distance between the centre line of the original road allowance and the nearest main wall of any building or structure and extending the full width or length of the lot.

3.19 - Structure -

Means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by or incorporated within the soil and/or any other structure, and without limiting the generality of the foregoing a swimming pool either above or below ground is a structure.

3.20 - Town -

Means the Corporation of the Town of Pelham or the lands included within the Town of Pelham as appropriate.

3.21 - Use -

Means the purpose for which any land, building, structure or premises, or part thereof:

- (i) is arranged, designed or intended to be used, or
 - (ii) is or may be occupied or maintained,
- and the word "used" has a corresponding meaning.

3.22 - Yard -

Means an open area of land, other than a court, on the same lot with a main building or structure, unoccupied and unobstructed except as otherwise provided or required, by this By-law and located between the main building and one of the lot lines of the said lot.

3.23 - Yard, Front -

Means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building or structure on the lot.

3.24 - Yard, Side -

Means a yard between the main wall of the main building or structure and the side lot line extending from the front yard (or front lot line if no front yard is required) to the rear yard (or rear lot line if no rear yard is required).

3.25 - Yard, Rear -

Means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on such lot.

3.26 - Yard, Exterior Side -

Means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the side lot line abutting upon a street and the nearest main wall of any building or structure.

Section 4 - General Provisions -

4.1 - Requirements for Amenity Opposite Certain Zones -

Where any Commercial zone fronts on a street opposite to, or directly abuts any Residential or Rural Zone:

- (a) no parking shall be permitted in the yard adjacent to the Residential Zone.
- (b) no loading space shall be located in, nor open onto, a yard adjacent to the Residential Zone.
- (c) a strip of land not less than ten (10) feet in width along the lot line within the Commercial Zone and adjacent to the Residential Zone, shall be adequately landscaped.
- (d) exterior lighting and illuminated signs shall be so arranged as to deflect light away from the adjacent Residential or Rural Zone.
- (e) outside storage shall be prohibited in the yard adjacent to the Residential or Rural Zone.
- (f) a minimum side yard of twenty (20) feet shall be provided adjacent to the Residential or Rural Zone.

4.2 - Requirements for Amenity Fronting Certain Roads -

Where any Commercial zone fronts on a Provincial Highway or a Regional Road:

- (a) no front yard may be used for employee parking and any front yard that is not used for driveways and visitors' parking spaces shall be adequately landscaped.
- (b) no loading space shall be located in, nor open onto the front yard.
- (c) a strip of land not less than ten (10) feet in width along the front lot line shall be adequately landscaped.
- (d) no outside storage shall be permitted in the front yard.

4.3 - Regulations for Accessory Buildings Permitted in any Commercial Zone -

- (a) location - in rear yard only.
- (b) minimum distance from any other building on the lot - 10 feet provided that in no case shall any overhang, eaves or gutter project into this required minimum area which shall be clear of any obstruction from the ground to the sky.

- (c) maximum lot coverage - 5 per cent provided that the lot coverage of all buildings on the lot shall not exceed the maximum lot coverage for the zone.
- (d) minimum yard requirements -
- (i) the minimum yard abutting a public street shall be 20 feet.
- (ii) no accessory building shall be located within 2 feet of a side or rear lot line that does not abut a public street, or within 10 feet of the boundary of any Residential Zone.
- (iii) in no case shall any overhang, eaves or gutter project more than 12 inches into any required minimum yard.
- (e) maximum height - 15 feet

Section 5 - Rural Commercial -

5.1 - RC Zone Use Permitted -

No person shall use land or erect or use a building or structure in a Rural Commercial (RC) Zone except for one or more of the following permitted uses: - farm implement dealerships, uses, buildings and structures accessory to the foregoing permitted use

5.2 - Requirements for Buildings -

No person shall use land, or erect or use a building or structure in the Rural Commercial (RC) zone unless the following regulations are complied with:

5.2.1 - Minimum Setback - 40 feet

5.2.2 - Minimum Side Yard -

- (i) where the yard abuts a Commercial Zone and access is available to the rear yard by a public or private lane, minimum nil.
- (ii) where the yard abuts a Commercial Zone and no access is available to the rear yard except by means of the said yard, one yard shall have a minimum width of twelve feet (12'); the second shall have a minimum width of nil.

(iii) where the yard abuts a street, minimum ten feet (10').

5.2.3 - Rear Yard -

- (i) where the yard abuts any Commercial Zone and no access is available to the rear of the said building except by means of a yard, minimum twenty feet (20').

5.2.4 - Maximum Building Height - 35 feet.

Section 6 - Repeal of Preceding By-law -

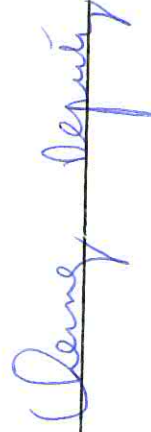
By-law #113 (1971), as amended of the Town of Pelham, as it applies to the lands described in this by-law, is hereby repealed from and after the coming into force of this by-law.

Section 7 - Effective Date -

This by-law shall come into force and take effect upon being passed by Council, subject to the approval of the Ontario Municipal Board.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED IN COUNCIL THIS
2nd. DAY OF June, 1975 A.D.


MAYOR


CLERK

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Pelham, in the Regional Municipality of Niagara, Province of Ontario, and being composed of Part of Lot 20, in Concession 2, formerly in the Township of Pelham, in the County of Welland, now in the said Town of Pelham, containing by admeasurement an area of 4.99 acres more or less and which said parcel or tract of land may be more particularly described as follows :

PREMISING that the Westerly limit of Lot 20, Cession 2, for the Township of Pelham has an assumed astronomic bearing of North 1 degree 12 minutes West according to Registered Instrument No. 80189A and all bearings herein related thereto :

COMMENCING at a point in the Southerly limit of said Lot 20 distant therein North 88 degrees 25 minutes East, 67.0 feet from South-west angle thereof ;

THENCE NORTH-westerly and Northerly in the Easterly limit of the former Townline Road Allowance between the Townships of Gainsborough and Pelham as widened by Registered Instrument No. 80189A and 33533B, in and following course.

North 46 degrees 23 minutes 30 seconds West, 70.48 feet ;

North 1 degree 12 minutes 00 seconds West, 256.00 feet ;

North 88 degrees 48 minutes East, 10.00 feet ;

North 1 degree 12 minutes West, 558.00 feet ;

North 12 degrees 30 minutes 36 seconds West, 50.99 feet ;

North 1 degree 12 minutes 00 seconds West, 450.00 feet ;

North 10 degrees 06 minutes 36 seconds East, 50.99 feet ;

North 1 degree 12 minutes 00 seconds West, 500.00 feet ;

North 10 degrees 06 minutes 36 seconds East, 50.99 feet ;

North 1 degree 12 minutes 00 seconds West, 200.00 feet ;

North 12 degrees 30 minutes 36 seconds West, 50.99 feet ; thus establishing the South-west corner of the subject parcel or tract of land.

THENCE North 1 degree 12 minutes 00 seconds West, 318.00 feet ;

THENCE North 8 degrees 13 minutes West continuing in the said boundry, 30.19 feet to the intersection with the Southerly limit of the lands of the former Corporation of the County of Welland now Regional Municipality of Niagara ; thus establishing the North-west corner of the subject parcel or tract of land.

THENCE North 32 degrees 45 minutes East in the South-easterly limit of the aforementioned lands, 71.66 feet to an angle therein ;

THENCE North 66 degrees 42 minutes East , 485.00 feet ; thus establishing the North-east corner of the subject parcel or tract of land.

THENCE South 23 degrees 18 minutes , 374.35 feet ; thus establishing the South-east corner of the subject parcel or tract of land.

THENCE South 66 degrees 42 minutes West , 676.48 feet more or less to the beginning (South-west corner)