

THE CORPORATION OF THE  
TOWN OF PELHAM

BY-LAW NO. 3681 (2015)

Being a by-law to amend Zoning By-law No. 1136 (1987), as amended, for lands located south of Welland Road, west of Pelham Street, municipally known as 1022 Pelham Street, legally described as part of Concession 10 Part Lot 1, RP 59R-10892; Parts 4 and 7, from Neighbourhood Commercial with a site specific exemption 'NC-108' and Agricultural 'A' to Neighbourhood Commercial with a site specific exemption 'NC-108'.

Owner/Agent: 4 High Street Inc. / Sovereign Asset Management  
File No. AM-07-13

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**WHEREAS** Section 34 of the Planning Act, R.S.O. 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;

**AND WHEREAS** the Committee of the Whole 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 THE TOWN OF PELHAM ENACTS AS FOLLOWS:**

1. **THAT** Schedule 'A5' to Zoning By-law No. 1136 (1987), as amended, is hereby amended by rezoning the lands identified as the subject lands on Schedule 'A', attached hereto and forming part of this By-law, from:

Part 1	Neighbourhood Commercial 'NC-108'	–	Neighbourhood Commercial 'NC-108'
Part 2	Agricultural 'A'	–	Neighbourhood Commercial 'NC-108'

2. **THAT** Section 30 – Exceptions of By-Law No. 1136 (1987), as amended, be modified by deleting subsection 'NC-108' and adding the following exception:

"NC-108	Notwithstanding Sections 19.1, 19.2 and 19.3 of the Neighbourhood Commercial 'NC' Zone, Sections 19.1 and 19.2 are amended, and the lands identified as NC-108 shall be subject to the following provisions:
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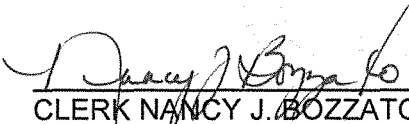
<b>19.1 PERMITTED USES</b>	
a) Banks, barber shops and beauty salons, business and professional offices, convenience retail stores, public and private parking areas, restaurants, studios, agencies and salons, and fuel retail outlet.	
(b) Uses, buildings and structures accessory to the foregoing permitted uses.	
<b>19.2 REGULATIONS FOR COMMERCIAL USES</b>	
(a) Minimum Lot Frontage	15.5 m (50.85 ft)
(b) Minimum Lot Area	700 sq. m (7 534.98 sq. ft)
(c) Maximum Lot Coverage	17%
(d) Maximum Gross Floor Area	34%
(e) Minimum Front Yard	3 m (9.84 ft)
(f) Minimum Exterior Side Yard	3 m (9.84 ft)
(g) Minimum Side Yard: -abutting a commercial or industrial use -abutting a residential or institutional use	-NIL - 4.5 m (14.76 ft)
(h) Minimum Rear Yard: -abutting a commercial or industrial use -abutting a residential or institutional use or zone -abutting an agricultural use	-6 m (19.69 ft) -10.5 m (34.45 ft) -3 m (9.84 ft)
(i) Maximum Building Height	8 m
(j) Maximum Gross Floor Area for each permitted use	-465 sq. m (5 005.22 sq. ft)
(k) Maximum Gross Commercial Floor Area	-930 sq. m (10 010.44 sq. ft)
<b>19.3 REGULATIONS FOR ACCESSORY RESIDENTIAL USES</b>	
(a) Only one accessory dwelling unit shall be permitted accessory for each commercial use.	
(b) Accessory dwelling units shall only be permitted above the ground floor of any commercial use.	
(c) A minimum landscaped amenity area of 55 sq. m shall be provided for each dwelling unit.	
(d) Minimum floor are per dwelling unit: Bachelor One Bedroom Two Bedroom	-40 sq. m (430.57 sq. ft) -50 sq. m (538.21 sq. ft) -60 sq. m (645.86 sq. ft)

Notwithstanding Section 6.16 (h) (ii), the fuel retail outlet or automobile service station shall be located or maintained on any parking area.

3. **THAT** this By-Law shall become effective from and after the date of passing thereof pursuant to Sections 34(21) and 34(30) of the Planning Act, R.S.O. 1990, as amended.

ENACTED, SIGNED AND SEALED THIS  
16<sup>th</sup> DAY OF NOVEMBER, 2015 A.D.

  
MAYOR DAVE AUGUSTYN

  
CLERK NANCY J. BOZZATO

**EXPLANATION OF THE PURPOSE AND EFFECT OF  
BY-LAW NO. 3681 (2015)**

This By-law involves a parcel of land located on the south side of Welland Road and west of Pelham Street, municipally referred as 1022 Pelham Street. The legal description of the subject parcel is described as part of Concession 10 Part Lot 1, Registered Plan 59R-10892; Parts 4 and 7.

This By-law rezones the lands from Neighbourhood Commercial with a site specific exemption 'NC-108' and Agricultural 'A' to Neighbourhood Commercial with a site specific exemption 'NC-108'.