

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 3718 (2016)

Being a by-law to amend Zoning By-law No. 1136 (1987), as amended, for lands located south of Welland Road and east of Church Street, municipally known as 792 Welland Road, legally described as Plan 16 Pt Lot 2 RP 59R-3703 Part 1 and 2, from Public 'P' zone to a site specific Neighbourhood Commercial 'NC' zone (NC-262) with a holding (H) provision.

Town of Pelham
File No. AM-03-15

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 Section 36 of the Planning Act, R.S.O. 1990, as amended, provides that the governing body of a municipal corporation may pass by-laws with a holding symbol "H" in conjunction with a by-law passed under Section 34 of the Planning Act, R.S.O. 1990, as amended;

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 'A2' 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 Public 'P' zone to a site specific Neighbourhood Commercial 'NC' (NC-262) zone with a holding (H) provision.

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

NC-262 Notwithstanding Sections 19.1 a) and 19.1 b) of the Neighbourhood Commercial 'NC' zone, Section 19.1 c) is amended;

Notwithstanding Sections 19.2 a), 19.2 b), 19.2 f), 19.2 i), 19.2 j) of the Neighbourhood Commercial 'NC' zone, Sections 19.2 c), 19.2 d), 19.2 e), 19.2 g), and 19.2 h) are amended;

Notwithstanding Section 19.3 d) of the Neighbourhood Commercial 'NC' zone, Section 19.3 a) is deleted, and Sections 19.3 b) and 19.3 c) are amended;

Section 6.16 a) of the General Provisions is amended;

Section 6.16 d) i. of the General Provisions is amended;

Section 6.16 i) of the General Provisions is amended; and,

Section 6.17 b) of the General Provisions is amended.

19.1 PERMITTED USES

- c) Dwelling units above ground floor and at grade at side and rear yards.

19.2 REGULATIONS FOR COMMERCIAL USES

- c) Maximum Lot Coverage 45 %
- d) Maximum Gross Floor Area 65 % of lot area
- e) Minimum Front Yard 0 m (0 ft)
- g) Minimum Side Yard
 - i. abutting a Commercial or Industrial use NIL
 - ii. abutting a Residential or Institutional use or zone 3 m (9.84 ft)
- h) Minimum Rear Yard
 - i. abutting a Commercial or Industrial use 6 m (19.69 ft)
 - ii. abutting a Residential or Institutional use or zone 3 m (9.84 ft)

19.3 REGULATIONS FOR RESIDENTIAL USES PERMITTED IN CLAUSE (c) OF SUBSECTION 19.1

- b) Dwelling units are permitted above the ground floor of any commercial use and at grade at side and rear yards.

- c) A minimum landscaped amenity area of 30 m² (322.92 ft²) shall be provided for each dwelling unit.

6.16 a) PARKING REQUIREMENTS

Retail Store 7 parking spaces required

6.16 d) INGRESS AND EGRESS

- i. Ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3.0 m (9.84 ft) wide, where only one-way traffic is permitted, and have a minimum width of 6.5 m (21.33 ft), but not more than 9.0 m (29.53 ft) in perpendicular width where two-way traffic is permitted.

6.16 i) PARKING AREA LOCATION ON LOT

Apartment Dwelling and Boarding House Dwelling All yards provided that no part of any parking area, other than a driveway, is located closer than 7.5 m (24.61 ft) to any street line and no closer than 1.0 m (3.28 ft) to any side lot line or rear lot line.

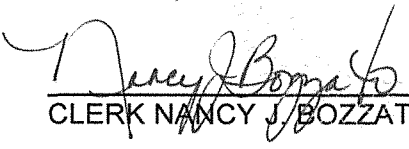
6.17 PLANTING STRIPS

- b) Where land is required to be used for no other purpose than a planting strip, it shall have a minimum width of 1.0 m (3.28 ft) measured perpendicular to the lot line it adjoins.

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
7th DAY OF MARCH, 2016 A.D.


DEPUTY MAYOR JOHN DURLEY


CLERK NANCY J. BOZZATO

**EXPLANATION OF THE PURPOSE AND EFFECT OF
BY-LAW NO. 3718 (2016)**

This By-law involves a parcel of land located on the south side of Welland Road and east of Church Street, municipally referred as 792 Welland Road. The legal description of the subject parcel is described as Plan 16 Pt Lot 2 RP 59R-3703 Part 1 and 2.

This By-law rezones the lands from Public 'P' zone to a site specific Neighbourhood Commercial 'NC' (NC-262) zone with a holding (H) provision.

The holding (H) provision is to be applied until such time as the Record of Site Condition is submitted to the Environmental Site Registry, with a copy provided to the Town; the archaeological assessment (s) has been completed and the clearance letter (s) from the Ministry of Tourism, Culture, and Sport are provided to the Town; and, the Phase 2 Environmental Site Assessment has been conducted, with a copy of the report provided to the Town.