

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 3763 (2016)

Being a by-law to amend Zoning By-law No. 1136 (1987), as amended, for lands located north of Welland Road and east of Baxter Lane, municipally known as 1105 Baxter Lane, legally described as Plan 16 Part Lot 4 NP 703, from a site specific Residential Multiple Village 2 (RMV2-04), and municipally known as 769 Welland Road, legally described as Plan 16 Part Lots 5 & 7 NP 703; 59R-4772 from Residential Village 1 (RV1) to a site specific Institutional (I) zone with a holding (H) provision.

1875159 Ontario Inc. (Baxter Hall)
File No. AM-04-15

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 for the use of the holding (H) symbol in conjunction with any use designation in a zoning by-law passed under Section 34;

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 a site specific Residential Multiple Village 2 (RMV2-04) zone and Residential Village 1 (RV1) zone to a site specific Institutional (I) 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 exception:

I-265 (H)	Notwithstanding Section 25.1 of the Institutional (I) zone, Section 25.1 is amended, and the lands identified as I-265 (H) shall be subject to the following provisions: (a) Churches, cemeteries, day nurseries, public or private clubs, any public use, nursing homes, senior citizens homes, and schools; (b) retail uses with a floor area of less than 185 m² (1991.32 ft²), personal service uses, offices, medical and dental clinics; and, (c) uses, buildings and structures accessory to the foregoing permitted uses.
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Notwithstanding the provisions under Section 25.2 (a), (b), (h), and (i) of the Institutional (I) Zone, the lands identified as I-265 (H) shall be subject to the following provisions:

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| (c) | Maximum Lot Coverage | 43.4 percent |
| (d) | Minimum Front Yard | 0.9 m (2.95 ft) |
| (e) | Minimum Exterior Side Yard | 3 m (9.84 ft) |
| (f) | Minimum Side Yard | 4 m (13.12 ft) |
| (g) | Maximum Building Height | 12 m (39.37 ft) |

Notwithstanding the provisions under Section 6 of the General Provisions, the lands identified as I-265 (H) shall be subject to the following provisions:

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| 6.16 (a) | 70 parking spaces total |
| Parking Requirements | |
| 6.16 (d) | 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 5.8 m (19.01 ft), but not more than 9.0 m (29.53 ft) in perpendicular width where two-way traffic is permitted. |

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| 6.17 | Where land is required to be used for no other purpose than a planting strip, it shall have a minimum width of 1.8 m (5.9 ft) measured perpendicular to the lot line it adjoins |
| Planting Strips | |
| (b) Width | |

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| 6.35 | Notwithstanding the yard provisions of this By-law to the contrary, unenclosed porches, balconies, steps and patios, covered or uncovered may project into any required yard a maximum distance of 3.5 m (11.48 ft). |
| Yard Encroachments Permitted | |
| (c) Unenclosed Porches, Balconies, Steps and Patios | |

3. THAT the holding (H) provision shall be lifted subject to:
- a) Receiving clearance from the Ministry of Tourism, Culture and Sport with regards to archaeological resource concerns having met licensing and resource conservation requirements; and,
 - b) The Director of Public Works being satisfied that traffic matters are adequately addressed and mitigated and sanitary sewage capacity concerns are satisfactorily addressed.
4. 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
25th DAY OF JULY, 2016 A.D.


MAYOR DAVE AUGUSTYN


CLERK NANCY J. BOZZATO

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 3763 (2016)

This By-law involves a parcel of land located on the north side of Welland Road and east of Baxter Lane municipally known as 1105 Baxter Lane, legally described as Plan 16 Part Lot 4 NP 703, from a site specific Residential Multiple Village 2 (RMV2-04), and a parcel of land located on the north side of Welland Road and east of Baxter Lane municipally known as 769 Welland Road, legally described as Plan 16 Part Lots 5 & 7 NP 703; 59R-4772 from Residential Village 1 (RV1) to a site specific Institutional (I) zone with a holding (H) provision.

The holding (H) provision is to be applied until such time as an updating site servicing brief and a scoped traffic impact study is provided and accepted by Public Works staff; and, archaeological assessments have been submitted to the Ministry of Tourism, Culture and Sport and all archaeological resource concerns have met licensing and resource conservation requirements for the subject parcels municipally known as 1105 Baxter Lane and 769 Welland Road.

Schedule 'A':



This is Schedule 'A' to By-law No. 3763 (2016) passed the 25th day of July, 2016.


MAYOR: DAVE AUGUSTYN


CLERK: NANCY J. BOZZATO