

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 3868 (2017)

Being a by-law to amend Zoning By-law No. 1136 (1987), as amended, for lands located south of Welland Road, east of Church Street, municipally known as 788 Welland Road, from Residential Village 1 (RV1) to a site specific Neighbourhood Commercial (NC-262) zone with a holding (H) provision, and to remove the holding (H) provision from the lands municipally known as 792 Welland Road.

Lume Investments Inc.

File No. AM-02-17

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, permits the Council of a local municipality in a by-law passed under Section 34, the use of the holding (H) symbol in conjunction with any use designation, specify the use to which the lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law;

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:

Residential Village 1 (RV1)	Neighbourhood Commercial (NC-262) zone with a holding (H) provision
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Neighbourhood Commercial (NC-262) zone with a holding (H) provision to	Neighbourhood Commercial (NC-262) zone
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2. **THAT** Section 30 – Exceptions of By-Law No. 1136 (1987), as amended, be modified by amending the following exception:

NC-262	Notwithstanding the provisions under Section 6 of the General Provisions, Sections 6.16 (a), 6.17 (b), and 6.35 (c) of the General Provisions is amended, Section 6.9 of the General Provisions is deleted, and the lands identified as NC-262 shall be subject to the following provisions:
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6.16 (a) Parking Requirements	Apartment Dwelling
	1 parking space per dwelling unit, plus 1 parking space for every two dwelling units or part thereof for visitor parking
	Retail or Office Uses
	1 parking space per 30 m ² (322.9 ft ²) of net floor area
	Eating Establishments
	1 space per 4 persons seating capacity

6.17 (b) Planting Strips Width

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), except where adjacent to an at-grade patio at the north-west corner of the site where the planting strip shall have a minimum width of 0.5 m (1.64 ft) and a privacy fence, measured perpendicular to the lot line it adjoins.

6.35 (c) Unenclosed Porches, Balconies, Steps, and Patios

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 2.0 m (6.56 ft) provided that, in the case of porches, steps or patios, such uses are not more than 2.0 m (6.56 ft) above ground. Patios may project into any required rear yard provided they are not more than 0.6 m (1.97 ft) above grade.

3. **THAT** the lifting of the holding (H) provision for the NC-262 (H) zone for 788 Welland Road shall be subject to the Ministry of Tourism, Culture and Sport issuing an acknowledgement letter for the submitted Stage 1 and 2 Archaeological Assessment for 788 Welland Road and the Town receiving a copy of the letter.
4. **THAT** the holding (H) provision for the NC-262 (H) zone for 792 Welland Road shall be lifted as the conditions that the Town receive a copy of: the Record of Site Condition filed with the Environmental Site Registry; the archeological assessments and clearance letters from the Ministry of Tourism, Culture and Sport; and, the Phase 2 Environmental Site Assessment Report have all been met.

5. THAT this By-Law shall become effective from and after the date of passing thereof pursuant to Sections 34(21), 34(30) and Section 36 of the Planning Act, R.S.O. 1990, as amended.

ENACTED, SIGNED AND SEALED THIS
1st DAY OF MAY, 2017 A.D.


MAYOR DAVE AUGUSTYN
Deputy Mayor C. King


CLERK NANCY J. BOZZATO

**EXPLANATION OF THE PURPOSE AND EFFECT OF
BY-LAW NO. 3868 (2017)**

This By-law involves a parcel of land located on the south side of Welland Road and east of Church Street, municipally referred as 788 and 792 Welland Road. The legal description of the subject lands is described as: Part Lot 2, s/s Welland St Plan 703 Pelham, Part 1, 59R-8906 (788 Welland Road) and Part Lot 2, s/s Welland Plan 703 Pelham, Parts 1 and 2, 59R-3703 (792 Welland Road). The properties have been acquired by the same owner and have merged in title.

This By-law rezones the lands from a site specific Residential Village 1 (RV1) to a site specific Neighbourhood Commercial (NC-262) zone with a holding (H) provision (788 Welland Road) and removes the holding (H) provision from the lands municipally known as 792 Welland Road.

The holding (H) provision for the lands municipally known as 788 Welland Road shall remain in place until the Ministry of Tourism, Culture and Sport issues an acknowledgement letter for the submitted Stage 1 and 2 Archaeological Assessment for 788 Welland Road and the Town receives a copy of the letter.

The holding (H) provision for the lands municipally known as 792 Welland Road may be lifted as the requirement for the Town to receive receive a copy of: the Record of Site Condition filed with the Environmental Site Registry; the archeological assessments and clearance letters from the Ministry of Tourism, Culture and Sport; and, the Phase 2 Environmental Site Assessment Report have all been met.

This By-law will facilitate the development of a mixed use building with four (4) commercial units at grade and ten (10) apartments above grade and to the rear.