

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #649 (1980)

Being a by-law to designate the Town of Pelham as
a Site Plan Control Area.

WHEREAS under the provisions of Section 35a of The Planning Act, as amended, authority is granted to Councils of municipalities to designate a site plan control area, where an Official Plan is in effect;

AND WHEREAS there is an Official Plan in effect in the Town of Pelham and the Council deems it expedient to designate the whole of the Town of Pelham as a site plan control area;

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

(1) In this Section:

(a) "DEVELOPMENT" means the construction, erection or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot, and

(b) "CORPORATION" means the Corporation of the Town of Pelham, and,

(c) "OWNER" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper Registry or Land Titles Office, and

(d) "PERSON" includes an owner.

(2) ALL of the Town of Pelham is hereby designated as a site plan control area.

(3) NOTWITHSTANDING any of the provisions of any By-law which may be inconsistent with this by-law, no person shall undertake any development in the site plan control area unless the Corporation has approved of the following:

(a) Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (b) of Section 4.

(b) Drawings showing plan, elevation and cross-section views for each industrial and commercial building to be erected and for each residential building, not exempted by Section 10 of this by-law to be erected which are sufficient to display,

(i) the massing and conceptual design of the proposed building;

(ii) the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access; and

con't.....

(iii) the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

but which exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to in clause (iii), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

(4) AS a condition to the approval of the plans and drawings referred to in Section 3, the Corporation may require the owner to,

(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

(i) widenings of highways that abut on the land,

(ii) subject to The Public Transportation & Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbs and traffic direction signs,

(iii) off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways,

(iv) walkways including the surfacing thereof, and all other means of pedestrian access,

(v) facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon,

(vi) walls, fences, hedges, trees, shrubs or other ground-cover or facilities for the landscaping of the lands or the protection of adjoining lands,

(vii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste materials,

(viii) easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities on the land,

(ix) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

(b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraph (ii), (iii), (iv), (v), (vi), (vii), (viii) and (ix) of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

(c) enter into one or more agreements with the municipality dealing with any or all of the facilities, works or matters mentioned in clause (a) or with the provision and approval of the plans and drawings referred to in Section 3.

(5) ANY agreement entered into under Clause (c) of Section 4 may be registered against the land to which it applies and the Corporation is entitled to enforce the provisions thereof against the owner and, subject

con't.....

to the provisions of The Registry Act and The Land Titles Act, any and all subsequent owners of the land.

(6) SECTION 469 of The Municipal Act applies to any requirements made under clauses (a) and (b) of Section 4 and to any requirements made under an agreement entered into under clause (c) of Section 4.

(7) (a) Where the owner is directed or required by this By-law that any matter or thing be done and such person defaults in doing such matter or thing, it may be done by the Corporation at its expense and the Corporation may recover the expense in doing it by action or the same may be recovered in like manner as municipal taxes.

(b) Where the owner is in default in doing any matter or thing which he is directed or required to do by this by-law he is to be given written notice by prepaid registered mail to his usual place of business or place of residence advising him of the default and affording him not less than thirty (30) days to remedy the default.

(c) Where the owner has been given notice of default by prepaid registered mail and he has failed to remedy the default within the time prescribed in the notice he is entitled to appear before a meeting of the Council in respect of such default before the Corporation proceeds under subsection (b) of this section.

(8) NO building permit or permits in the site plan control area are to be issued until:

(a) the plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by this by-law are filed by the owner with the Corporation and approved by the Corporation, and,

(b) the perspective plans and drawings showing building elevations and cross-sections of industrial and commercial buildings and residential buildings, not exempted by Section 10 of this by-law are filed by the owner with the Corporation and approved by the Corporation, and,

(c) the owner conveys to the Corporation lands for the widening of highways required by the Corporation, free of charge and with a title free of encumbrance, and,

(d) the owner conveys to the Corporation, free of charge and with a title free of encumbrance, lands for a walkway where required by the Corporation, and,

(e) the owner conveys to the Corporation, free of charge and with a title free of encumbrance, any easements required by the Corporation for its purposes, and,

(f) the owner files with the Corporation, for its approval, a lot grading plan showing all grading and changes in elevation or contour of land and disposal of storm, surface and waste water from the lands or any buildings or structures to be erected thereon.

con't.....

(9) NO person shall:

- (a) block or impede access to land at the point of ingress or egress shown on the plans and drawings filed with the Corporation, and,
- (b) park a vehicle on private property other than on the parking and loading areas shown on the plans filed with the Corporation, and,
- (c) block or impede the use of walkways shown on the plans filed with the Corporation, and,
- (d) interfere with snow or ice removal directly or indirectly and without limiting the generality of the foregoing no vehicle shall be parking so as to obstruct the removal of ice or snow from access ramps, driveways, parking areas and walkways shown on the plans filed with the Corporation, and,
- (e) change the grading or contour or elevation of land from that shown on the plans filed with the Corporation and approved by the Engineer of the Corporation without consent in writing of the Engineer of the Corporation, and,
- (f) block or interfere with the disposal of or alter the normal drainage course for storm, surface and waste water from land or buildings or structures unless alternative drainage is provided to the written satisfaction of the Engineer for the Corporation, and,
- (g) block or interfere with watercourses, watermains, ditches, land drainage works or sanitary sewerage facilities of the Corporation or of the Regional Municipality of Niagara, whichever is the case, and,
- (h) permit floodlights from his land to illuminate neighbouring buildings where such illumination disturbs the sleep or privacy of the occupants of the buildings so illuminated, and,
- (i) fail to maintain walls, fences, hedges, trees, shrubs or other suitable ground cover shown on the plans filed with the Corporation, and,
- (j) fail to keep in good repair or uncovered all vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste materials as shown on the plans filed with the Corporation.

(10) THE provisions of this By-law do not apply to:

- (a) any new construction of a single family dwelling;
- (b) any alteration or addition to an existing single family dwelling;
- (c) any alteration or addition to an existing duplex or semi-detached dwelling;
- (d) to any building accessory to the uses described in paragraphs a, b, and c of this section;
- (e) to any building or structure accessory to an agricultural use; and
- (f) to an inground or above-ground swimming pool constructed in connection with the uses described in paragraphs a, b, and c of this section.

(11) THIS By-law comes into force and effects on the date it is enacted by Council.

ENACTED AND PASSED THIS 6th., DAY OF OCTOBER

, 1980 A.D.


MAYOR

