

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW NO. 4136(2019)

**Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Highway 20, east of Wellspring Way, Parts 1, 8-11 and 16-19, Plan 59R-16208, Town of Pelham, Regional Municipality of Niagara, by amending regulations of the EF-MU2 (East Fonthill Mixed Use 2) zone.**

**Town of Pelham**

**File No. AM-06-19**

---

**WHEREAS**, Section 34 of the Planning Act, RSO 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;

**WHEREAS**, the Council 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 PELHAM ENACTS AS FOLLOWS:**

1. **THAT** the provisions of the EF-MU2 zone in Section 30 of Zoning By-law 1136 (1987) as amended, are hereby amended by deleting Section 1.0(a)(ii) and replacing it with:

Retail commercial uses including retail stores, restaurants and personal services with Gross Leasable Floor Areas greater than 100 m<sup>2</sup> (1076.39 ft<sup>2</sup>) and less than 1,000 m<sup>2</sup> (10,763.9 ft<sup>2</sup>) per business;

2. **THAT** the provisions of the EF-MU2 zone in Section 30 of Zoning By-law 1136 (1987) as amended, are hereby amended by deleting Section 2.0(a) and replacing it with:

A maximum of two drive-through facilities of any kind are permitted in the EF-MU2 zone.

3. **THAT** the provisions of the EF-MU2 zone in Section 30 of Zoning By-law 1136 (1987) as amended, are hereby amended by deleting Section 2.0(d)(i) and replacing it with:

Where a building abuts or is adjacent to Street C or Rice Road (Regional Road 54), the front façade and main front wall of the building shall be developed within the 0.0 to 3.0 m(0.0 9.8 ft) Build-Within Zone. Buildings which abut the storm sewer easement may have a Build-Within Zone of 9.69 to 16.57 m (31.8 to 54.4 ft).

4. **THAT** the provisions of the EF-MU2 zone in Section 30 of Zoning By-law 1136 (1987) as amended, are hereby amended by deleting Section 2.0(d)(iii) and replacing it with:

Where a building abuts, or is adjacent to an EF-SWM Zone, it shall be set back from the boundary of the EF-SWM Zone a minimum of 1.5 m (4.9 ft). A landscape buffer shall be included within the required development setback.

5. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED AND SEALED THIS

15<sup>th</sup> DAY OF JULY, 2019 A.D.

---

MAYOR MARVIN JUNKIN

---

CLERK NANCY J. BOZZATO