



The Corporation of the Town of Pelham

By-law No. 19-2026

Being a By-law to amend Zoning By-law 4481(2022), as amended, to Regulate the Use Additional Residential Units within the Town of Pelham

File No. AM-01-2026

WHEREAS Council passed By-law 4481(2022) on August 30th, 2022, to regulate the use of land, buildings and structures within the Town of Pelham;

AND WHEREAS Council deems it necessary to amend By-law 4484(2022), to update Section 2: Definitions and Section 3.29 Additional Residential Units to ensure compliance with Provincial Legislation and clarify regulations;

NOW THEREFORE, the Council of the Corporation of the Town of Pelham enacts as follows:

1. **THAT** Section 2 and 3.29 of the Town of Pelham Zoning By-law 4481(2022), as amended, is hereby further amended as follows:
 - A. Amend Section 2: Definitions of By-law 4481(2022) as follows:
 - a) The following new definitions be inserted alphabetically as follows:
 - i. **DETACHED ANCILLARY STRUCTURE** means a building or structure not physically connected to the primary dwelling unit, located on the same lot, and used for purposes subordinate and incidental to the primary dwelling unit.
 - ii. **DETACHED GARAGE** means a detached ancillary structure on a property that is not physically connected to the primary dwelling unit, offering flexible space for vehicles, storage, or workshops, away from living areas, which reduces noise and fume transfer but requires stepping outside for access.
 - iii. **GROSS FLOOR AREA (ARU)** means the total area of the floor in a primary dwelling unit measured to the inside of all exterior walls or the centre of common walls, excluding any unfinished basement, garage, carport and/or unenclosed porch.

For a detached ancillary structure or detached garage used for an ARU purpose, gross floor area refers to the total area of all floors, measured to the inside of all exterior walls.
 - iv. **PARCEL OR PARCEL OF LAND** means a lot or block within a registered plan of subdivision, or any land that may be legally conveyed pursuant to the *Planning Act*.
 - v. **PRIMARY DWELLING UNIT** means the dominant and/or largest dwelling unit on a lot in which the main residential dwelling use is conducted, which may contain or have associated with it one or more additional residential units.
 - b) The additional residential unit definition be deleted and replaced with the following new definition:

ADDITIONAL RESIDENTIAL UNIT (ARU) means a self-contained dwelling unit which consists of kitchen and bathroom facilities and is intended to be used for residential purposes, secondary or subordinate to a primary dwelling unit.

B. Amend Section 3.29 Additional Residential Units as follows:

a) Section 3.29.1 be deleted and replaced with the following:

3.29.1 Settlement Area

- a) In addition to the primary dwelling unit, a maximum of 2 ARUS are permitted on a parcel of land that permits a residential use in the settlement area;
 - i) Up to two ARUs are permitted in a single-detached, semi-detached, block townhouse or street townhouse dwelling; or
 - ii) One ARU can be located within the primary dwelling unit and one in a detached ancillary structure or detached garage. For clarification, only one ARU can be detached from the primary dwelling unit.
- b) The maximum gross floor area (ARU) of the ARU shall be 50% of the total gross floor area of the primary dwelling unit, to a maximum of 93m².
- c) In addition to the required parking for the primary dwelling unit, a minimum of one parking space shall be provided for each ARU.
- d) A detached ancillary structure or detached garage that contains an ARU must maintain a minimum separation distance of 2.4m from any other building or structure on the same lot that contains a dwelling unit, unless the ARU is located in a legally established existing detached ancillary structure or detached garage.
- e) The maximum distance of an ARU located in a detached ancillary structure or detached garage ~~ARU~~ from the closest portion of the primary dwelling is 40m, unless the ARU is located in a legally established existing detached ancillary structure or detached garage.
- f) A detached ancillary structure or detached garage, legally established on or before the date of passing of this by-law, may be converted to an ARU without the need to comply with current zoning regulations, provided the ARU requirements are met, and no openings are added to a wall that would not otherwise comply.
- g) The minimum landscaped open space shall be 30% of the total lot area.
- h) The maximum height for a detached garage that contains an ARU shall be 8.0m.
- i) All other applicable zone requirements shall be met.
- j) All applicable requirements of the Ontario Building Code shall be met.

b) Section 3.29.2 be deleted and replaced with the following:

3.29.2 Agricultural Area (Agriculture and Rural Residential Zones)

- a) In addition to the primary dwelling unit, a maximum of 2 ARUS are permitted on a parcel of land that permits a residential use outside of the settlement area and outside of the Green Belt Plan area;
 - i) Up to two ARUs are permitted in a single-detached dwelling;
or
 - ii) One ARU can be located within the primary dwelling unit and one in a detached ancillary structure or detached garage. For clarification, only one ARU can be detached from the primary dwelling unit.
 - b) The maximum gross floor area (ARU) of the ARU shall be 50% of the total gross floor area of the primary dwelling unit, to a maximum of 112m².

An ARU located in the basement of the primary dwelling unit may occupy the entire basement.
 - c) In addition to the required parking for the primary dwelling unit, a minimum of one parking space shall be provided for each ARU.
 - d) A detached ancillary structure or detached garage that contains an ARU must maintain a minimum separation distance of 2.4m from any other building or structure on the same lot that contains a dwelling unit, unless the ARU is located in a legally established existing detached ancillary structure or detached garage.
 - e) The maximum distance of an ARU located in a detached ancillary structure or detached garage from the closest portion of the primary dwelling is 40m.
 - f) A detached ancillary structure or detached garage, legally established on or before the date of passing of this by-law, may be converted to an ARU without the need to comply with current zoning regulations, provided the ARU requirements are met, the location of the detached ancillary structure or detached garage does not exceed the maximum distance separation noted in 3.29.2 e), and no openings are added to a wall that would not otherwise comply.
 - g) Individual on-site sewage services and individual on-site water services must be adequate to service the ARU(s), and are encouraged to be shared. Approval from the relevant authority must be obtained before the ARU can be approved.
 - h) On a parcel of land that is less than 1 acre in size, the minimum landscaped open space shall be 30% of the total lot area.
 - i) The maximum height for a detached garage that contains an ARU shall be 8.0m.
 - j) Any applicable Minimum Distance Separation requirements must be met.
 - k) All other applicable zone requirements shall be met.
 - l) All applicable requirements of the Ontario Building Code shall be met.
- c) Section 3.29.3 be deleted and replaced with the following:

3.29.3 Specialty Agriculture Zone (Greenbelt Plan Area)

- a) In addition to the primary dwelling unit, one ARU is permitted on a parcel of land that permits a residential use in the in a single-detached dwelling or within a detached ancillary structure in the Specialty Agriculture Zone (Greenbelt Plan Area), provided the detached ancillary structure was constructed prior to July 1, 2017, and the primary dwelling unit or detached ancillary structure is located outside of the Greenbelt Plan Natural Heritage System.
- b) An ARU is not permitted within the Greenbelt Plan Natural Heritage System.
- c) The maximum gross floor area (ARU) of the ARU shall be 50% of the total gross floor area of the primary dwelling unit to a maximum of 112m².

An ARU located in the basement of the primary dwelling unit may occupy the entire basement.
- d) In addition to the required parking for the primary dwelling unit, a minimum of one parking space shall be provided for each ARU.
- e) A detached ancillary structure or detached garage that contains an ARU must maintain a minimum separation distance of 2.4m from any other building or structure on the same lot that contains a residential unit, unless the ARU is located in a legally established existing detached ancillary structure or detached garage.
- f) The maximum distance of an ARU from the closest portion of the primary dwelling is 40m, unless the ARU is located in a legally established existing building.
- g) A detached ancillary structure or detached garage, legally established on or before July 1, 2017, may be converted to an ARU without the need to comply with current zoning regulations, provided the ARU requirements are met, the location of the detached ancillary structure or detached garage does not exceed the maximum distance separation noted in 3.29.3 f), and no openings are added to a wall that would not otherwise comply.
- h) Individual on-site sewage services and individual on-site water services must be adequate to service the ARU(s), and are encouraged to be shared. Approval from the relevant authority must be obtained before the ARU can be approved.
- i) For parcels of land under one acre in size, the minimum landscaped open space shall be 30% of the total lot area.
- j) The maximum height for a detached garage that contains an ARU shall be 8.0m.
- k) Any applicable Minimum Distance Separation requirements must be met.
- l) All other applicable zone requirements shall be met; and
- m) All applicable requirements of the Ontario Building Code shall be met.

d) Section 3.29.4 be deleted in its entirety.

2. THAT all other provisions of Zoning By-law 4481(2022) shall continue to apply.

3. **THAT** this By-law shall come into force and take effect on the date of final passing by the Council of the Corporation of the Town of Pelham, subject to the provisions of the *Planning Act, R.S.O., 1990*, as amended.

Read, enacted, signed and sealed on this 8th day of April, 2026.

Marvin Junkin, Mayor

Sarah Leach, Acting Town Clerk