



The Corporation of the Town of Pelham

By-law No. XX-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 definition be inserted alphabetically as follows:

i. **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) Delete and replace the following definitions:

i. 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 to a main dwelling. (PPS, 2024)

iii. Floor Area, Floor Area Dwelling Unit, Floor Area Gross and Habitable Room definitions be deleted and replaced with the following new definition:

FLOOR AREA, GROSS means the total area of the floor in a building measured to the inside of all exterior walls or the centre of common walls, excluding any unfinished basement, garage, carport and/or unenclosed porch. A basement associated with a commercial or industrial use, used for storage purposes, shall not be included in the calculation of permitted gross floor area.

For ancillary buildings or structures, gross floor area refers to the total area of all floors, measured to the inside of all exterior walls.

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 properties that permit 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 and one in a detached ancillary structure. For clarification, only one ARU can be detached from the primary dwelling.
- b) The maximum gross floor area of the ARU shall be 50% of the total gross floor area of the primary dwelling, to a maximum of 93m².
- An ARU located in the basement of the primary dwelling may occupy the entire basement.
- c) A minimum of one parking space shall be provided for each ARU.
- d) A detached ancillary structure 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.
- e) The maximum distance of a detached ARU from the closest portion of the primary dwelling is 40m, unless the ARU is located in a legally established existing detached ancillary structure.
- f) A detached ancillary structure, 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 is used for 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 Rural Area (Agriculture and Rural Residential Zones)

- a) In addition to the primary dwelling unit, a maximum of 2 ARUs are permitted on properties that permit a residential use outside the settlement area;
- i) Up to two ARUs are permitted in a single-detached; or

- ii) One ARU can be located within the primary dwelling and one in a detached ancillary structure. For clarification, only one ARU can be detached from the primary dwelling.
- b) The maximum gross floor area of the ARU shall be 50% of the total gross floor area of the primary dwelling, to a maximum of 112m². An ARU located in the basement of the primary dwelling may occupy the entire basement.
- c) A minimum of one parking space shall be provided for each ARU.
- d) A detached ancillary structure 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.
- e) The maximum distance of an ARU from the closest portion of the primary dwelling is 40m, unless the ARU is located in an existing legally established building.
- f) A detached ancillary structure, 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) 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) The minimum landscaped open space shall be 30% of the total lot area.
- i) The maximum height for a detached garage that is used for an ARU shall be 8.0m.
- j) All other applicable zone requirements shall be met.
- k) 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 Greenbelt Plan Area (Specialty Agriculture Zone)

- a) In addition to the primary dwelling unit, one ARU is permitted in a single-detached dwelling unit or within a detached ancillary structure, 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 of the ARU shall be 50% of the total gross floor area of the primary dwelling to a maximum 112m². An ARU located in the basement of the primary dwelling may occupy the entire basement.

- d) A minimum of one parking space shall be provided for each ARU.
 - e) 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.
 - f) 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.
 - g) The minimum landscaped open space shall be 30% of the total lot area.
 - h) The maximum height for a detached garage that is used for an ARU shall be 8.0m.
 - i) All other applicable zone requirements shall be met; and
 - j) 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