



## The Corporation of the Town of Pelham

By-law No. 13-2024

**Being a By-law to amend Zoning By-law 4481(2022), as amended, to Regulate the Use of Land, Buildings and Structures within the Town (Zoning By-law) to Update Provisions based on an Administrative Review (Housekeeping Amendments).**

**File No. AM-08-2023**

**WHEREAS** Council passed By-law 4481(2022) on August 30<sup>th</sup>, 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 sections of the Zoning By-law through a housekeeping amendment with respect to several minor corrections and administrative changes for clarification;

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

1. **THAT** Town of Pelham Zoning By-law 4481(2022), as amended, is hereby further amended as follows:
  - A. Amend Part 2: Definitions of By-law 4481(2022) as follows:
    - a) The following new definitions be inserted alphabetically as follows:
      - i. **ENVIRONMENTAL IMPACT STUDY** means a science-based study of ecological features and functions, and impacts to those features and functions resulting from development and/or site alteration, prepared in accordance with the Region of Niagara's environmental impact study guidelines.
      - ii. **FARM** means land used for agricultural uses and includes a farm dwelling and accessory buildings, which may include accommodation for full time or seasonal farm workers.
    - b) Delete and Replace the following definitions:
      - i. Dwelling, Boarding House definition be deleted and replaced with the following new definition:

**DWELLING, LODGING HOUSE** means a building or any portion of a building in which lodgers, in exchange for periodic payments to a Licensee, are provided with accommodation in private rooms and with access to common areas, and are not provided with sanitary facilities or food preparation facilities for the exclusive use of individual lodgers, and in which lodgers may or may not be provided with meals, but does not include a hotel,

tourist establishment or short-term rental unit, a hospital or any provincially-regulated long-term care home, retirement home, nursing home, group home or similar facility.

- ii. Greenhouse definition be deleted and replaced with the following new definition:

**GREENHOUSE, COMMERCIAL** means the use of a building or structure of the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables, and other type of nursery stock. Such use may include the wholesale or retail sale of greenhouse products customarily, incidental, subordinate and exclusively devoted to the principal use, located on the same lot therein. A retail use accessory to a greenhouse shall have a maximum retail floor area of 200 square metres.

- iii. Height definition be deleted and replaced with the following new definition:

**HEIGHT** means the vertical distance measured from the average finished grade level to the highest point of the roof surface.

- iv. Landmark Site definition be deleted and replaced with the following new definition:

**LANDMARK SITE** means a site which is conspicuous and which has the potential to be easily seen and/or recognized from a distance, acting as an identifier or wayfinding tool for a community being located at the terminus of a street, on public spaces or located on a corner. Development on landmark sites is generally expected to be iconic and raise the profile of the location.

- v. Livestock definition be deleted and replaced with the following new definition:

**LIVESTOCK** means farm animals and/or fowl raised, housed or kept for propagation or use for commercial purposes, including action or intended profit or gain and, without limiting the generality of the foregoing, includes: dairy and beef cattle, horses, swine, sheep, laying hens, chickens, turkey broilers, turkeys, goats, geese, mink and rabbits but does not include animals kept as pets or animals raised, housed or kept for recreational or hobby purposes.

- vi. Long Term Bicycle definition be deleted and replaced with the following new definition:

**LONG TERM BICYCLE** means an indoor space to park and secure a bicycle in an enclosed, secured area with controlled access where a bicycle is intended to be parked for long periods of time and can include a storage locker.

- vii. Lot Line, Exterior definition be deleted and replaced with the following new definition:

**LOT LINE, CORNER** means a side lot line that is also a streetline, regardless of whether or not such streets have a 0.3 metre reserve.



- viii Outside Storage definition be deleted and replaced with the following new definition:

**OUTSIDE STORAGE** means the placing or locating in the open air and/or in partially closed buildings or structures of any goods, materials, parts, merchandise or equipment of any kind but does not include operative vehicles licensed or capable of being licensed to be operated on a highway at any time, or motorized construction vehicles, agricultural or parks vehicles, commercial vehicles, boats or recreational vehicles whether or not operative or capable of being licensed.

- ix. Sign definition be deleted and replaced with the following new definition:

**SIGN** means any device, object or thing which directs attention to an which is designed to convey a message and that is placed for the purpose of advertising goods and services offered, identifying a business or enterprise or for conveying any other type of message and, without limiting the generality of the foregoing, this definition includes but is not limited to, the types of signs defined in the Town of Pelham Sign By-law, 2020, as amended from time to time.

- c) Delete the following definitions in their entirety:

- i. Motel; and
- ii. Yard, Exterior Side

- B. Amend Part 3: General Provisions of By-law 4481(2022) as follows:

- a) Section 3.5 Daylighting Triangles be deleted and replaced with the following:

### **3.5 DAYLIGHTING TRIANGLES**

Within the Daylighting Triangle, no sign, fence, landscaping, building or structure shall be greater than 0.5 metres in height above the elevation of the ground at the lot line. There shall be no additional building setbacks offset from a daylight triangle. Measurements for daylighting triangles shall be in accordance with the Town's Engineering Standards.

- b) Section 3.12 Height Exemptions is amended by adding the following exemption:

- o) A Parapet

- c) Sections 3.13.1 (c) and (e) be deleted and the following text be inserted:

- c) The use is entirely restricted to the dwelling unit and shall not be conducted in whole or in part in any accessory building, yard or private garage, except for private home daycare;
- e) The maximum gross floor area dedicated to the home occupation shall be the lessor of 50m<sup>2</sup> or 25% of the gross

floor area of the dwelling, except for a private home daycare;

- d) New Section 3.22 Outside Storage be inserted and all subsequent sections be renumbered accordingly, and the following text be inserted:

### **3.22 OUTSIDE STORAGE**

Where open/outside storage is permitted, the following regulations shall apply:

- a) Open/outside storage shall only be permitted in a rear yard; and
- b) Where an open/outside storage area is visible from any street, any abutting lot and/or park, the open/outside storage area shall be screened by a visual screen containing a solid fence or wall not less than 2.0m in height.
- e) Section 3.24: Prohibited Uses is renumbered, and new subsection (j) is inserted and the following text be inserted:

### **Section 3.25: PROHIBITED USES**

- j) The keeping or raising of any bull, ox, cow, sheep, horse, goat, pig or other cattle, any poultry, or any reptile or wild animal including any tamed or domesticated wild animal on any residential lot or in any building or structure on such lot, or in any building or structure in a Residential or Residential Development Zone.
- f) Section 3.28.3: Specialty Agricultural Zone is renumbered, and subsection (x) amended to insert "and the lot coverage requirements of Section 5.1.4 and 5.2.4 shall apply" after "zoning by-law".
- g) Section 3.31.1: Setback from Environmental Protection One Zone and Environmental Protection Two Zone is renumbered, and subsections (a), (b) and (c) are deleted and the following text be inserted:
- a) Notwithstanding any other provisions of this By-law the following setbacks shall apply to lands zoned Environmental Protection One (EP1) Zone and Environmental Protection Two (EP2) Zone:

Natural Heritage Feature	Building Setback
Provincially Significant Life Science Area of Natural and Scientific Interest	50m
Provincially Significant Wetland	120m
Habitat of Threatened and Endangered Species	50m
Environmental Conservation Area	50m
Type 1 – Critical Fish Habitat	30m
Type 2 or 3 – Critical Fish Habitat	15m
Regulated Floodplain	0m
Significant Woodlands	50m



- b) The setbacks noted in Section 3.33.1 a) may be modified without an amendment to the Zoning By-law through the approval of an Environmental Impact Study, approved by the appropriate regulatory authority and the execution of a written agreement to be registered on title requiring the owner to implement all recommendations of the approved Environmental Impact Study.
- c) The setbacks noted in Section 3.33.1 a) do not apply to lands located in Fenwick and Fonthill, as illustrated on Schedules B and C. In these areas, the setbacks will be established through the findings of an Environmental Impact Study.
- g) Section 3.31.1: Setback from Environmental Protection Three Zone is renumbered, and subsections (b) is deleted and the following text be inserted:
  - b) The setbacks noted in Section 3.33.2 a) may be modified without an amendment to the Zoning By-law through the approval of an Environmental Impact Study, approved by the appropriate regulatory authority and the execution of a written agreement to be registered on title requiring the owner to implement all recommendations of the approved Environmental Impact Study.
- h) Section 3.31.4: Greenbelt Natural Heritage System is renumbered and subsection (a) is amended to add ", except for Single Detached Dwellings;" after "the Town's Official Plan".
- i) Section 3.32: Storage of Recreational Vehicles, Trailers and Boats is renumbered, and subsection (c) is inserted and the following text is inserted:
  - c) The storage of such vehicles is not for the exchange, payment or remuneration of any kind, financial or otherwise.
- C. Amend Section 4: Parking and Loading Requirements of By-law 4481(2022) as follows:
  - a) Section 4.1 (a) Parking for Retail, Place of Entertainment and Restaurant – 3.25 spaces per 100m<sup>2</sup> GLFA is amended by adding "\*\*\*\*" after GLFA
 

\*\*\*Not applicable to temporary outdoor patios
  - b) Section 4.1 (a) Parking for Greenhouse and Hoop House Use be amended to – 1 space per 2000m<sup>2</sup> GFA.
  - c) Section 4.1 (a) Parking for Agricultural Uses be amended by adding the following: "All other agricultural uses are exempt from the parking requirements of this Section".
  - d) Section 4.1.4.1: Parking Space Dimensions and Requirements (a) and (b) be deleted and insert the following new text:
    - a) The minimum dimensions of a parking space shall be 2.6m by 5.8 with a minimum vertical clearance of 2.0m;

- b) The minimum dimensions of a tandem parking space shall be 2.6m by 6.0m with a minimum vertical clearance of 2.0m; and
- e) Section 4.3.1 (a) Bicycle Parking Requirements for Apartment Dwellings be amended as follows:

Short-term Bicycle Parking Space Requirements: Minimum of 6 spaces

Long-term Bicycle Parking Space Requirements: 0.25 spaces per unit

- f) Section 4.3.2 (e) be amended to delete "on the ground floor".

D. Amend Section 5: Rural/Agricultural Zones of By-law 4481(2022) as follows:

- a) Section 5.1.3.1 (a) is deleted in its entirety and the remainder of section 5.1.3.1 be renumbered accordingly.
- b) The word "Commercial" is inserted before the word "Greenhouse" in Section 5.1.6: Zone Requirements for a Greenhouse and Hoop House.
- c) Section 5.2.3.1 (a) is deleted in its entirety and the remainder of section 5.2.3.1 be renumbered accordingly.
- d) The word "Commercial" is inserted before the word "Greenhouse" in Section 5.2.6: Zone Requirements for a Greenhouse and Hoop House.

E. Amend Section 6: Residential Zones of By-law 4481(2022) as follows:

- a) Insert "Bed and Breakfast" as a permitted use in a Single Detached Dwelling in the Residential Second Density (R2) Zone.
- b) Amend Section 6.5.2: Zone Requirements Landscape Strip Requirement from the existing 1.5m to 2.4m where the boundary of a RM2 Zone abuts a R1, R2 or R3 Zone.

F. Amend Section 8: Commercial Zones of By-law 4481(2022) as follows:

- a) Insert "Service Shop" as a permitted use in the Village Commercial (VC), Main Street (MS), and Town Square (TS) Zones.
- b) Insert "Vehicle Service and Repair Establishment" as a permitted use in the Downtown Corridor (DC) Zone.
- c) Insert "Second Dwelling Units" as a permitted use in the Village Commercial (VC) and Main Street (MS) Zones.

Village Commercial Zone

- d) Insert new Section 8.1.3: Zone Requirements for Second Dwelling Units within an Existing Single Detached Dwelling and renumber the remaining sections accordingly and insert the following new text:



Please refer to Section 3.29.1.

- e) Amend Section 8.1.4: Building Height to permit a maximum of 9.0m or 2 storeys.
- f) Section 8.1.4: Landmark Sites be deleted and insert the following new text:

Landmark Sites: The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 16.0m or 4 storeys. There shall be a minimum step back of 2.0m on the 3<sup>rd</sup> and 4<sup>th</sup> storey.

#### Main Street Zone

- g) Insert new Section 8.2.3: Zone Requirements for Second Dwelling Units within an Existing Single Detached Dwelling and renumber the remaining sections accordingly and insert the following new text:

Please refer to Section 3.29.1.

- h) Amend Section 8.2.4: Building Height to permit a minimum of 9.0m or 2 storeys and a maximum of 13.0m or 3 storeys, whichever is less.
- i) Amend Section 8.2.4: First Floor Height to permit a minimum first floor height of 3.0m.
- i) Section 8.2.4: Landmark Sites be deleted and insert the following new text:

Landmark Sites: The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 16.0m or 4 storeys. There shall be a minimum step back of 2.0m on the 3<sup>rd</sup> and 4<sup>th</sup> storey.

#### Town Square Zone

- j) Amend Section 8.3.3: Building Height to permit a minimum building height of 13.0m or 3 storeys and a maximum building height of 20.5m or 5 storeys, whichever is less.
- k) Section 8.3.3: Landmark Sites be deleted and insert the following new text:

Landmark Sites: The minimum height for Landmark Sites shall be 14.5 or 3 storeys, whichever is greater and the maximum height shall be the lesser of 20.5m or 5 storeys. There shall be a minimum step back of 2.0m on the 4<sup>th</sup> storey.

#### Downtown Corridor Zone

- l) Section 8.4.3: Building Height is amended to permit a minimum of 10.0m or 2 storeys and a maximum building height of 20.5m or 5 storeys, whichever is less.
- m) Section 8.4.3: Landmark Sites be deleted and insert the following new text:

Landmark Sites: The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 23.75m or 6 storeys. There shall be a minimum step back of 2.0m on the 4<sup>th</sup> storey.

#### Neighbourhood Commercial

- n) Section 8.5.3: Building Height is amended to permit a maximum building height of 10.0m.

G. Amend Section 9: Other Zones of By-law 4481(2022) as follows:

- a) Delete the following uses from the Environmental Protection Two (EP2) Zone and renumber accordingly:

- Agricultural Uses;
- Home Industry;
- Home Occupation;
- Secondary Dwelling Units;
- Single Detached Dwelling; and
- Uses, buildings and structures accessory to the foregoing uses.

- b) Insert "Agricultural" between "Existing" and Uses" in the Permitted Uses of the Environmental Protection Two (EP2) Zone.

- c) Delete the following uses from the Environmental Protection Three (EP3) Zone and renumber accordingly:

- Agricultural Uses;
- Secondary Dwelling Units;
- Single Detached Dwelling; and
- Uses, buildings and structures accessory to the foregoing uses.

- d) Insert "(that were in existence prior to December 16, 2004)" after "Existing Uses" in the Environmental Protection Three (EP3) Zone.

- e) Amend Section 9.2.3: Zone Requirements for an Apartment Dwelling as follows:

- Minimum Lot Area: 150m<sup>2</sup> per unit or 0.2ha, whichever is greater
- Minimum Side Yard: 7.5m or ½ the height of the building, whichever is less
- Maximum Lot Coverage: 40%

H. Amend Section 10: Exceptions of By-law 4481(2022) as follows:

- a) RM1-88: 1120 Haist Street (a) "with a shared masonry wall" shall be deleted.
- b) RM1-88: 1120 Haist Street (d) "have a shared masonry wall on one side and" shall be deleted.
- c) Insert A-152 and insert the following text:

**A152: 364 Foss Road**  
formerly A-52



In addition to the uses in the Agricultural (A) Zone, this land may also be used for a sod and fertilizer retail outlet, farm supply and service establishment and accessory office uses.

d) Insert R1-153(H) and insert the following text:

**A-153(H): Oakhaven Estates Subdivision**  
\*formerly RV1-233(H)

Notwithstanding the regulations of the Residential One R1 Zone, these lands may only be used for single detached dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:

Minimum Lot Frontage	Interior Lot: 14.0m Corner Lot: 18.0m
Minimum Lot Area	490m <sup>2</sup>
Maximum Lot Coverage	35%
Minimum Front Yard	6.0m
Minimum Interior Side Yard	1.5m
Minimum Exterior Side Yard	4.5m to front face or 8.0m to garage
Minimum Rear Yard	7.5m
Maximum Building Height	10.5m
Minimum Ground Floor Area	One Storey: 93m <sup>2</sup> Two Storey: 56m <sup>2</sup>
Garage projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling	

e) Insert RM1-154 and insert the following text:

**RM1-154: Oak Haven Estates Subdivision**  
\*formerly RMV1-235

Notwithstanding the regulations of the Residential Multiple One RM1 Zone, these lands may only be used for street townhouse dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:

Minimum Lot Frontage	7.0m per dwelling unit
Minimum Lot Area	240 m2 per dwelling unit
Minimum Front Yard	6.0m to front face or 8.0m to garage
Minimum Interior Side Yard	1.5m
Minimum Rear Yard	7.5m
Maximum Building Height	10.5m
Minimum Ground Floor Area	One Storey: 75m2

	Two Storey: 45m2
Garage Projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling	

f) Insert RM1-155 and insert the following text:

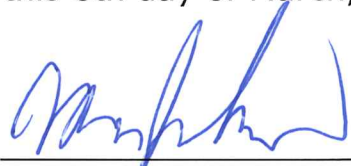
**RM1-155: Oak Haven Estates Subdivision**  
\*formerly RMV1-236

Notwithstanding the regulations of the Residential Multiple One RM1 Zone, these lands may only be used for block townhouse dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:

Minimum Lot Frontage	25.0m
Maximum Number of Dwelling Units	36
Minimum Setback from a Public Road	7.5m
Minimum Setback from the Open Space Zone	1.5m
Minimum Setback from the R1-153 and RM1-154 Zones	8.0m
Minimum Setback from the RM1-29 Zone	4.0m
Minimum Internal Roadway Width	6.0m
Minimum Setback from Internal Road	4.0m to front face or 6.0m to garage
Minimum Setback between Side of Unit and Internal Road	2.0m
Maximum Building Height	10.5m
Minimum Ground Floor Area for a Dwelling	One Storey: 75m2 Two Storey: 45m2
Minimum Landscape Area	30%
Garage Projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling	

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 6th day of March, 2024.

  
Marvin Junkin, Mayor

  
William Tigert, Town Clerk