



The Corporation of the Town of Pelham

By-law No. 01-2026

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-04-2025

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 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. INDIVIDUAL ON-SITE SEWAGE SERVICES** means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act, 1992*, that are owned, operated and managed by the owner of the property upon which the system is located.
(PPS, 2024)
- ii. INDIVIDUAL ON-SITE WATER SERVICES** means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.
(PPS, 2024)
- iii. PUBLIC SERVICE FACILITIES** means land, buildings and structures, including but not limited to schools, hospitals and community recreation facilities, for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health, childcare and educational programs, including elementary, secondary, post-secondary, long-term care services, and cultural services.

Public service facilities do not include infrastructure.
(PPS, 2024)

b) Delete and replace the following definitions:

- i.** Homes for Special Care definition be deleted and replaced with the following new definition:

ADDITIONAL NEEDS HOUSING means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living.

Examples of additional needs housing may include, but are not limited to, long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons. (PPS, 2024)

- ii. Second Dwelling Unit definition be deleted and replaced with the following new definition:

ADDITIONAL RESIDENTIAL UNIT (ARU) means a dwelling unit that is secondary to a single-detached, semi-detached or townhouse dwelling unit, and is maintained as a self-contained unit with kitchen, bathroom facilities and sleeping area(s), located within a primary dwelling or within an accessory structure that is detached from the primary dwelling.

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

AGRICULTURAL USE means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to, livestock facilities, manure storage, value-retaining facilities, and housing for farm workers, when the size and nature of the operation requires additional employment. (PPS, 2024)

- iv. Agri-Tourism/Value-Added Use definition be deleted and replaced with the following new definition:

AGRI-TOURISM means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation. (PPS, 2024)

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

BUILDING HEIGHT or HEIGHT means, in the case of the building or structure on the lot, the vertical distance between the average finished grade along the front elevation and:

- a) The mid-point of the eaves and the peak of a gable, hip, gambrel or mansard roof;
- b) The highest point of a parapet wall of a flat roof; and
- c) the highest point of the roof surface for any other type of roof.

- vi. Driveway definition be deleted and replaced with the following new definition:

DRIVEWAY means a defined area providing access for motor vehicles from a public or private street or a lane to facilities such as a parking area, parking lot, loading space, private garage, building or structure, but does not include a parking aisle.

- vii. Finished Grade definition be deleted and replaced with the following new definition:

FINISHED GRADE means the average elevation of the finished surface of the ground at the base of the outside walls of a building or structure. For a sloping lot, the grade shall be calculated as the average of the finished ground level at all corners of the building or structure.

- viii. Floor Area, Gross Leasable, definition be deleted and replaced with the following new definition:

FLOOR AREA, LEASABLE means the aggregate area of all floors in a building measured from the centre line of the joint interior partitions and from the exteriors of outside walls, and used or capable of being used for commercial purposes such as sales, display, storage and offices. Leasable floor area shall not include floor space used in common such as:

- a) Parking areas;
- b) Mechanical room, boiler room, maintenance room, or electrical or utility room;
- c) Common hallways or stairways;
- d) Elevators and associated equipment;
- e) Washrooms;
- f) Foyers, lobbies but not waiting areas/rooms; and
- g) A storey having a height of 1.8m or less.

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

FOOD TRUCK means any motorized vehicle, trailer, cart, or other portable unit that is designed, equipped or used for the preparation, sale or distribution of food or beverages for immediate consumption. The term includes, but is not limited to:

- a) mobile food trucks — self-contained motorized units equipped for food preparation and sales;
- b) concession trailers — towable units without independent motive power; and
- c) mobile food carts/kiosks — non-motorized movable units.

A food truck does not include a fixed building or other permanent structure used as a restaurant, café, or other fixed food service establishment.

- x. Hoop House definition be deleted and replaced with the following new definition:

HOOP HOUSE means a temporary, ground-placed structure without a permanent foundation that is located on farmland, used for the seasonal protection of plants and plant material, and contains no space intended for residential occupancy.

For the purposes of this By-law, a hoop house shall not be included in the calculation of maximum coverage.

- xi. Institutional definition be deleted and replaced with the following new definition:

INSTITUTIONAL USE means the use of land, buildings or structures for social, educational, childcare, health or religious purposes.

- xii. Lot Coverage definition be deleted and replaced with the following new definition:

LOT COVERAGE means the percentage of the lot covered by all buildings and structures, excluding balconies, canopies and overhanging eaves which are two (2) metres or more in height above finished grade. For the purpose of this definition, a deck attached to a building greater than 0.6m above grade and a covered porch shall be considered in the calculation of lot coverage. Patios and in-ground pools shall not be included within the lot coverage calculation.

- xiii. Pre-Fabricated Shipping Container definition be deleted and replaced with the following new definition:

PRE-FABRICATED SHIPPING CONTAINER means a standardized storage structure, or similar, which is typically used for intermodal freight transport.

- xv. Setback definition be deleted and replaced with the following new definition:

SETBACK means the shortest distance from a building or structure to a lot line or an Environmental Protection Zone boundary.

- xvi. Street Line definition be deleted and replaced with the following new definition:

STREET LINE means a lot line or a lot adjoining a street.

- xvii. Vehicle Fuel Station definition be deleted and replaced with the following new definition:

VEHICLE FUEL STATION means the use of land, buildings or structures where automotive fuels and accessories are sold at retail, including electric vehicle charging stations, and may include a convenience store as an accessory use.

- xviii. Yard; Yard, Front; Yard, Interior Side; Yard Rear definitions be deleted and replaced with the following new definition:

YARD means an area of land which is open, uncovered, unoccupied and is appurtenant to, and located on the same lot as a building, structure or excavation. In determining yard measurements, the minimum horizontal distance from the respective lot lines to the nearest part of the building shall be used.

a) **Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest part of any building or structure on such lot.

b) **Rear Yard** means a yard extending across the full width of a lot between the rear lot line or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building or structure on such lot.

c) **Side Yard** means a yard extending from the front yard to the rear yard between the side lot lines and the nearest part of any building or structure on such lot.

d) **Exterior Side Yard** means a side yard immediately adjoining a street or abutting a 0.3 meter reserve on the opposite side of which a street is located.

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

- a) Sections 3.2.1 (e) and 3.2.1 (f) be deleted.
- b) Section 3.2.1 (m) be deleted and replaced with the following:
 - m) Parking requirements will apply to each individual use based on the parking and loading requirements of Section 4;
- c) Section 3.2.1 be renumbered accordingly.
- d) Section 3.7 is amended by adding window wells as an additional encroachment into any yard, no more than 0.5m.
- e) Section 3.8 is deleted and replaced with the following:

3.8 ESTABLISHED BUILDING LINE

Unless permitted under Section 3.20, Non-Conforming Uses:

- a) Where existing development on either side of a middle lot has a legal non-conforming front yard setback or exterior side yard setback for the zone, the front yard setback for the main building on the middle lot may be reduced, provided all parking requirements are met, to either:
 - i) The average of the yard depth or width, as applicable, of the main building on each of the other two lots, if both are non-complying, or 3.0 metres, whichever is greater; or
 - ii) The average of the yards of the main building on the non-complying lot and the yard depth or width, as applicable, of the applicable zone if only one adjacent lot is non-complying, or 3.0 metres, whichever is greater.
- b) Where the main building on the lots on either side of the middle lot has a setback greater than the minimum front yard setback for the zone, the required front yard setback of the main building on the middle lot shall be the average yards of the dwellings on the other two lots.
- f) Section 3.9, Food Vehicles is deleted and replaced with the following:

3.9 FOOD TRUCKS

Food trucks are permitted in all Commercial Zones within the Town, and the following provisions shall apply:

- a) A food truck shall operate in accordance with the regulations for the zone in which the food truck is located;
- b) A food truck shall comply with the regulations of the Town's licensing by-law;
- c) The location of a food truck shall not diminish the minimum number of required off-street parking spaces for all of the uses situated on the lot and will not occupy a designated barrier-free parking space;

d) No portion of a food truck shall be located within a Fire Route designated in accordance with the Fire Code or a Town By-law, or within any daylighting triangle; and

e) Where required by the laws and regulations of the Province, Region of Niagara and Town of Pelham, approval shall be obtained from the appropriate Regional Public Health Department, the Technical Standards and Safety Authority, the Electrical Safety Authority and the Town of Pelham Fire Department in order to operate a food truck within the Town.

Notwithstanding any other provision of this By-Law, mobile refreshment carts may be permitted in public parks.

- g) Section 3.11, Homes for Special Care is deleted and replaced with the following:

3.11 ADDITIONAL NEEDS HOUSING

a) Additional needs housing refers to supportive and specialized housing options for individuals with disabilities (developmental, psychiatric, physical), mental health challenges, or other needs who require assistance to maintain independent living;

b) Additional needs housing may be subject to Provincial approval and/or licensing may be required; and

c) Parking shall be provided in accordance with Section 4.

- h) Section 3.28.1, Reconstruction, Replacement or Extension of Legal Non-Complying Buildings and Structures, is amended with the following:

d) The reconstruction or replacement of any building or structure must comply with the regulations of the Ontario Building Code and the Town of Pelham Development Charge By-law in terms of timelines for reconstruction or replacement.

- i) Section 3.32.4 is amended by deleting "Single Detached Dwellings" and replacing with "residential development under 10 units";

- j) Section 3.34, Swimming Pools is amended by adding "A pool heater shall maintain a setback of 1.0m to any lot line.

- k) Section 3.35, Temporary Uses, is amended by adding the following:

d) A tent, used on a temporary basis, that requires a building permit, is required to maintain a 3.0m minimum setback from all lot lines and is exempt from the lot coverage and height requirements of this Zoning By-law.

- l) Section 3.36, Special Events, is added to the Zoning By-law with the following regulations:

a) A special event will be required to be in keeping with the Town's Special Events By-law, as amended.

C. Amend Section 4: Parking and Loading Requirements of By-law 4481(2022) as follows:

- a) Section 4.1 (a) is amended to:

Delete the parking requirements for Agri-tourism/Value Added, Agriculture-Related and On-farm Diversified Use and replace with:

Parking for Retirement Agriculture-Related and On-Farm Diversified uses – to be determined based on the individual use(s) (i.e. retail, assembly hall, restaurant, etc.);

Delete the parking requirements for hoop house use;

Delete “Street” from “Street Townhouse Dwelling” parking requirements; and

Include “Assembly Hall” use under “Commercial Uses” with a minimum number of parking spaces at 1 space per 4 persons.

b) Section 4.1.4.3, Driveways, be amended to include the following:

g) Properties that are being used for agricultural purposes are exempt from the requirements of Section 4.1.4.3.

c) Section 4.1.4.4 a) be deleted and replaced with the following:

a) In the Settlement Area, a parking area and the driveway(s) connecting the parking area with a street shall be constructed of asphalt, concrete, permeable paving or other Low Impact Development materials. The use of gravel is not permitted on a permanent basis.

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

a) Section 5.1.2 Zone Requirements for Agriculture Use - “Minimum Lot Frontage” and “Minimum Lot Area” be deleted and replaced with:

Minimum Lot Frontage	180m
Minimum Lot Area	40ha

b) Section 5.1.2 Zone Requirements for Agriculture Use is amended to include the following requirements:

Livestock, Minimum Parcel Size	Livestock shall be permitted to be kept in the Agricultural Zone (A) on parcels with a minimum lot area of two (2) hectares. A livestock facility shall comply with the requirements of the Ontario Nutrient Management Act and Minimum Distance Separation (MDS) formulae and guidelines developed by the province, as amended from time to time.
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The keeping of hens is permitted on all properties over one (1) acre and under two (2) hectares in the Agricultural (A) Zone, subject to licensing requirements of the Town’s Backyard Hens By-law.

c) Section 5.1.6, the word “Hoop House” is removed from the title.

d) New Section 5.1.7, Zone Requirements for Hoop Houses, is added with the following regulations and the remainder of Section 5.1 is renumbered accordingly:

Section 5.1.7 Zone Requirements for a Hoop House

Minimum setback from any yard	3.0m
Maximum height	10.0m

A hoop house will not be considered as part of the overall lot coverage.

A hoop house must comply with all applicable requirements of the Ontario Building Code.

- e) Section 5.2.2 Zone Requirements for Specialty Agriculture Use - “Minimum Lot Frontage” and “Minimum Lot Area” be deleted and replaced with:

Minimum Lot Frontage	180m
Minimum Lot Area	40ha

- f) Section 5.2.2 Zone Requirements for Agriculture Use is amended to include the following requirements:

Livestock, Minimum Parcel Size	Livestock shall be permitted to be kept in the Agricultural Zone (A) on parcels with a minimum lot area of two (2) hectares. A livestock facility shall comply with the requirements of the Ontario Nutrient Management Act and Minimum Distance Separation (MDS) formulae and guidelines developed by the province, as amended from time to time.
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The keeping of hens is permitted on all properties over one (1) acre and under two (2) hectares in the Agricultural (A) Zone, subject to licensing requirements of the Town’s Backyard Hens By-law.

- g) Section 5.2.6, the word “Hoop House” is removed from the title.
- h) New Section 5.2.7, Zone Requirements for Hoop Houses, is added with the following regulations and the remainder of Section 5.2 is renumbered accordingly:

Section 5.2.7 Zone Requirements for a Hoop House

Minimum setback from any yard	3.0m
Maximum height	10.0m

A hoop house will not be considered as part of the overall lot coverage.

A hoop house must comply with all applicable requirements of the Ontario Building Code.

- i) Section 5.2.13 a) is amended by deleting “Single Detached Dwellings” and replacing it with “residential development under 10 units”;

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

- a) Sections 6.1.2, 6.1.3, 6.2.2, 6.2.3, 6.2.4, 6.3.2, 6.3.3, 6.3.4, 6.4.2, 6.4.3, 6.4.4, 6.5.2 and 6.7.2, delete the maximum front yard setback requirement.

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

- a) Amend Section 8.1, Village Commercial to include the following:

8.1.6 Zone Requirements for Apartment Dwellings

Please refer to Section 6.5.2. For a landmark site, the height requirement for an apartment dwelling shall be in accordance with Section 8.1.4, Landmark Sites.

8.1.7 Zone Requirements for Townhouse Dwellings

Please refer to Section 6.4.3 or 6.4.4, depending on the type of Townhouse Dwelling.

- b) Amend Section 8.4, Downtown Corridor to include the following:

8.4.2 Zone Requirements for Apartment Dwellings

Please refer to Section 6.5.2. For a landmark site, the height requirement for an apartment dwelling shall be in accordance with Section 8.4.3, Landmark Sites

H. Amend Section 9.2: Institutional Zone as follows:

- a) That Section 9.2.1 (a), be amended by adding “only when built in conjunction with a permitted institutional use” after “Apartment dwellings”.
- b) That Section 9.2.1 (c) “Daycare centre”, (d) “Long-term care home”, (e) Municipal, government or public use” (f) “Place of worship” (h) “Retirement home”, and (i) “School”, be deleted and replaced with:
- b) Additional needs housing
c) Institutional uses
e) Public service facilities

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 14th day of January, 2026.



Marvin Junkin, Mayor



Sarah Leach, Acting Town Clerk