

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. 4368(2021)

Being a By-law to amend Zoning By-law 1136(1987), as amended with respect to second dwelling units in the Town of Pelham.

Town of Pelham

File No. AM-04-2020

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;

AND WHEREAS, the Council of the Corporation of the Town of Pelham has initiated as application to amend By-Law No. 1136 (1987) otherwise known as the Zoning By-law, insofar as is necessary to establish provisions that apply to Second Dwelling Units in the Town of Pelham;

AND WHEREAS, the Council of the Corporation of the Town of Pelham conducted a public hearing in regard to this application, as required by Section 34(12) of the *Planning Act*, R.S.O. 1990, Chap. P. 13, as amended;

AND WHEREAS, the Council of the Corporation of the Town of Pelham deems it advisable to amend Zoning By-law 1136 (1987), as otherwise amended, with respect to the above described lands, and under the provisions of the *Planning Act* has the authority to do so;

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

1. **THAT** Section 5 is amended by adding the following new definition:

“5.193 SECOND DWELLING UNIT” means a Second Dwelling Unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building. Second Dwelling Units are also referred to as secondary suites, basement apartments, accessory apartments, granny flats, in-law apartments, or nanny suites.”
2. **THAT** Section 6.1 (c) is deleted and replaced with the following:

“(c) “MAXIMUM HEIGHT

Except as otherwise provided herein, no accessory residential building or structure shall exceed 4.75 m (15.58 ft) in height.”
3. **THAT** Section 6.10 (a) Lot Requirements - Dwellings is deleted.
4. **THAT** Section 6.16 (c) Parking Area Surface is amended by adding the following new clauses:
 - “iii. In Residential zones, the maximum width of a surface devoted to parking may not exceed the exterior width of an attached garage.
 - iv. Notwithstanding Subsection 6.16 c) iii), on a lot having an attached garage less than 5 metres in width, the driveway

may extend beyond the width of the garage toward the side lot line to a maximum width of 5 metres and no closer than 0.6 metres to the side lot line, nearest to the garage;”

5. **THAT** Section 6.2, Dwelling Units Below Grade is deleted in its entirety and replaced with the following:

“6.2 SECOND DWELLING UNITS

1. Two (2) Second Dwelling Units are permitted on a lot in the Residential Village 1 (RV1) zone, Residential Village 2 (RV2) zone, Residential Multiple Village 1 (RMV1) zone, Residential 1 (R1) zone, Residential 2 (R2) zone, Residential 3 (R3) zone and Residential Multiple 1 (RM1) zone and shall comply with all other provisions of this By-law.
2. Two (2) Second Dwelling Units are permitted on a lot in the Agricultural (A) and Special Rural (SR) zones and shall comply with all other provisions of this By-law. These units must be located outside of the Greenbelt Natural Heritage System.
3. A Second Dwelling Unit shall be a self-contained dwelling unit with bathroom, kitchen and sleeping facilities that are separate from those of the principle dwelling on the same lot. The Second Dwelling Unit can be contained within the principle dwelling or within a detached accessory building on the same lot as the principle dwelling.
4. In Residential zones, a Second Dwelling Unit shall have a maximum floor area does not exceed 74.3 m² (800sqft).
5. In the Agricultural (A) Zone and Special Rural (SR) Zone, a Second Dwelling Unit shall have a maximum floor area does not exceed 93 m² (1,000sqft).
6. A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling. The entrance to a Second Dwelling Unit must be separate from the entrance provided for the principle dwelling:
 - i. For Second Dwelling Units that are contained within or attached to the principle dwelling, the separate entrance may be accessed directly from the outside or from a vestibule, common hallway or stairway inside the building.
 - ii. Where the only entrance to a Second Dwelling Unit is provided from the rear yard or side yard, the entrance must be accessed by a continuous, unobstructed path of travel of at least 1 metre wide between the front wall of the building and the side lot line.
7. A minimum of one (1) on-site parking space is required for each Second Dwelling Unit, in addition to the parking requirements for the principle dwelling. Parking shall be in accordance with Section 6.16 of this By-law.
8. If located within the principle dwelling, the Second Dwelling Unit must meet the requirements for a dwelling in the applicable zone category.
9. If the Second Dwelling Unit is in an accessory structure, and not connected to the principle dwelling, the Second

Dwelling Unit must meet the requirements for accessory structures on the property in accordance with Section 6.1 of By-Law 1136 (1987).”

6. **THAT** Section 7.7 Requirements for Buildings and Structures Accessory to Dwellings, paragraph (d) is deleted in its entirety and replaced with the following:

“(d) Maximum Building Height 7.2 m (23.62 ft)”

7. **THAT** Section 7.7 Requirements for Buildings and Structure Accessory to Dwellings is amended by adding a new paragraph (f) as follows:

“(f) The maximum distance a Second Dwelling Unit is permitted from the closest portion of the principle dwelling located on a property is 40m (131.2 ft) unless the Second Dwelling Unit is located in an existing building.”

8. **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
7th DAY OF SEPTEMBER, 2021.

MAYOR MARVIN JUNKIN

CLERK HOLLY WILLFORD