



## The Corporation of the Town of Pelham

By-law No. 15-2024

**Being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 1389 Effingham Street, legally described as Part of Lot 5, Concession 8, Town of Pelham, Regional Municipality of Niagara, from the Specialty Agricultural (SA) and Environmental Protection One (EP1) zones to the site-specific Specialty Agricultural-156 (SA-156) and Environmental Protection One (EP1) zones.**

**File No. AM-05-2023**

**WHEREAS** Section 34 of the *Planning Act*, RSO 1990, c. P. 13, 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 recommended that such a by-law be enacted;

**AND WHEREAS** the Council of the Corporation of the Town of Pelham deems it to be in the public interest that such a by-law be enacted;

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

- 1. THAT** Schedule 'B' to Zoning By-law 4481(2022) as amended, is hereby further amended by rezoning the lands identified on Schedule 'A' attached hereto and forming part of this By-law from the from the Specialty Agricultural (SA) and Environmental Protection One (EP1) zones to the site-specific Specialty Agricultural-156 (SA-156) and Environmental Protection 1 (EP1) zones.
- 2. THAT** Section 10 of Zoning By-law 4481(2022) as amended, is hereby amended by adding the following:

Specialty Agricultural-156 (SA-156)

Notwithstanding Sections 3.2.1 Agricultural Related Uses, 3.2.2 On-Farm Diversified Uses and Section 5.2.5 Specialty Agricultural Zone, the following site-specific provisions apply:

Section 3.2.1 Agricultural Related Uses

- a) The use shall be conducted entirely within a detached accessory building in conjunction with an operational farm with the exception of a 467 m<sup>2</sup> outdoor tasting/hospitality area including pizza oven;
- b) Only two agricultural related uses are permitted on one lot;
- c) Ancillary retail/commercial sales and service activities shall be limited to the lessor of 100 m<sup>2</sup> (20 m<sup>2</sup> for retail and 80 m<sup>2</sup> for hospitality/tasting area) of the gross floor area of the building;

h) The maximum combined total floor area of the building utilized for the agriculture related uses shall be 520 m<sup>2</sup>;

Section 3.2.2 On-Farm Diversified Uses

(g) The total gross floor area that is permanently, temporarily or seasonally devoted to on-farm diversified uses shall not exceed 520m<sup>2</sup> including the gross floor areas used within all main buildings or structures, and accessory buildings or structures on the lot;

Section 5.2.5 of the Specialty Agricultural Zone

Minimum Land Area Planted in Vineyards	2.4 ha
Maximum Floor Area of Building(s) Used for a Farm Winery	520.0m <sup>2</sup>

3. **THAT** this Bylaw shall come into force and effect from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the *Planning Act, 1990*, as amended.

Read, enacted, signed and sealed this 6th day of March 2024.

\_\_\_\_\_  
Marvin Junkin, Mayor

\_\_\_\_\_  
William Tigert, Town Clerk