

AMENDMENT NO. 13
TO THE
OFFICIAL PLAN FOR THE
TOWN OF PELHAM

Pursuant to Sections 17 and 21 of the Planning Act, I hereby approve the following further portions of Amendment No. 13 to the Official Plan for the Town of Pelham, as follows:

1. Section 4, Policy 1.45, entitled "Airport Noise Constraints and Height Limitation Policies" is hereby modified as follows:

5. by deleting Policy 1.45, it in its entirety and by replacing it with the following:

1.44.A Airport Noise Constraints and Height Limitation Policies

1.44.A.1 Noise Requirements

- 1.44.A.1.1 The impact of aircraft noise on lands in the vicinity of the Welland-Port Colborne Airport is a recognized development constraint relating to new residential development. Even though no lands in the vicinity of the airport are designated for residential development by this plan, new residential units may be possible on existing lots of record or accessory to other land uses such as agriculture and industry.**

3. Section 6, Policy 1.55, entitled "Temporary Uses" is hereby modified as follows:

7. by deleting Policy 1.55 in its entirety and by replacing it with the following:

1.55 Temporary Uses

Council may adopt temporary use by-laws to allow for temporary use of lands, buildings, or structures. Timing and extensions for such uses will be subject to the provisions of the Planning Act, 1990. Temporary uses not allowed by the applicable policies of this Plan may be permitted if the proposed use is compatible with adjacent uses; buildings and structures are of a temporary nature and can easily be removed at the expiry date; the size of the parcel of land and the buildings and structures are appropriate for the area; services are sufficient to accommodate the use. Upon expiry of a temporary use by-law, uses permitted by that by-law must cease and cannot be considered as non-conforming uses.

Date

1993-11-26



Diana L. Jardine, M.C.I.P.
Director

Plans Administration Branch
Central and Southwest

Amendment No. 13
to the
Official Plan
for the
Town of Pelham

The following further portions of Official Plan Amendment No. 13 to the Official Plan for the Town of Pelham Planning Area, which has been adopted by the Council of the Corporation of the Town of Pelham, and which was previously deferred as Part of Deferral #1, are hereby approved pursuant to the provisions of Section 17 of the Planning Act, 1983:

1. Item 2. Community Improvement:

Sections 1.53, 1.29, 1.30, 1.31, and 1.32.

2. Item 5. Granny Flats:

Section 1.54.1

The following further portions of Deferral #1 are hereby modified pursuant to the provisions of Section 17 of the Planning Act, 1983, as follows:

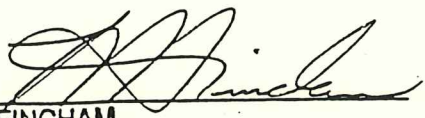
1. Item 5. Granny Flats, Section 1.54.2 is modified by adding the following phrase to the end of the first sentence:

"and will develop criteria and regulations under which the Granny Flats may be permitted upon the completion of the Portable Living Units for Seniors (PLUS) Demonstration Project."

2. Item. Granny Flats, Section 1.54.3 and 1.54.4 are deleted in their entirety.

As thus modified, these following further portions of Official Plan Amendment No. 13 to the Town of Pelham are hereby approved pursuant to the provisions of Section 17 of the Planning Act, 1983.

Date... Oct. 24, 1988


L. J. FINCHAM

Director

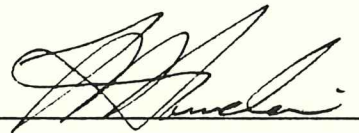
Plans Administration Branch

Central and Southwest

Amendment Number 13
to the
Official Plan
for the
Town of Pelham Planning Area

This amendment to the Official Plan for the Town of Pelham Planning Area, which has been adopted by the Council of the Corporation of the Town of Pelham, is hereby approved pursuant to Section 17 of the Planning Act as Amendment Number 13 to the Official Plan for the Pelham Planning Area save and except for Sections 1, 2, 3, 4, 5, 6 and Schedule A to the Amendment, which are deferred.

Date: July 16, 1987.....Signed:

A handwritten signature in dark ink, appearing to be "A. Hunter", written over a horizontal line.

CERTIFICATES
OFFICIAL PLAN
OF THE
TOWN OF PELHAM
AMENDMENT NO. 13

The attached Schedules "A", "B" and "C" and explanatory text, constituting Amendment No. 13 to the Official Plan of the Town of Pelham, was prepared by the Pelham Planning and Development Committee and was adopted by the Corporation of the Town of Pelham by By-law No. 1106(1486) in accordance with Section 17 of The Planning Act on the 11 day of December, 1986.

E.S. Bergenstein
.....
Mayor

Mary Hackett
.....
Clerk (Seal)

This Amendment to the Official Plan of the Town of Pelham which has been recommended by and adopted by the Council of the Town of Pelham, is hereby approved in accordance with Section 17 of The Planning Act, as Amendment No. 13 to the Official Plan of the Town of Pelham.

DATE:.....
Approval Authority

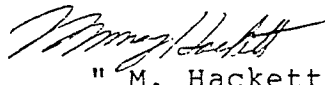
CORPORATION OF THE
TOWN OF PELHAM
BY-LAW NO. 1106 (1986)

The Council of the Corporation of the Town of Pelham in accordance with the provision of The Planning Act, S.O. 1983, hereby enacts as follows:

1. Amendment No. 13 to the Official Plan of the town of Pelham, consisting of the attached Schedules "A", "B" and "C" and the explanatory text, is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of the aforementioned Amendment No. 13 to the Official Plan of the Town of Pelham.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

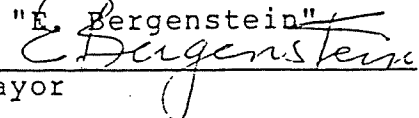
Enacted and passed the 11th day of December, A.D., 1986

Signed:


" M. Hackett "

Clerk

" E. Bergenstein "

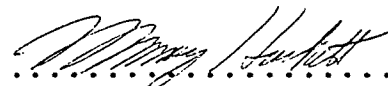


Mayor

(Seal)

Certified that the above is a true copy of By-law No. 1106(1986) as enacted and passed by the Council of the Town of Pelham on December 11th, 1986.

Signed:


Clerk of the Municipality

MILLER O'DELL & PAUL

- Part A - The Preamble does not constitute a part of this amendment.
- Part B - The Amendment, consisting of the following text and Schedules "A", "B" and "C", constitutes Amendment No. 13 to the Official Plan of the Town of Pelham.
- Part C - The Appendices do not constitute a part of this Amendment. These appendices contain only information in support of the Amendment.

PART A - THE PREAMBLE

Purpose

The Town of Pelham Official Plan was approved by the Minister of Housing in 1974 and has subsequently been amended several times, including a major update as Amendment No. 7, which was approved in 1985 with several deferrals. Even though the Pelham Official Plan is substantially in compliance with the Niagara Policy Plan, several issues require attention including the addition of several policies relating to the new Planning Act.

Location

Minor additions and deletions to the text of the Official Plan are required together with changes to Schedule "A".

Basis

The outstanding matters and new Planning Act issues addressed in this amendment include:-

- (i) Mineral aggregate policies
- (ii) Finalization of recreation & open space policies
- (iii) Completion of airport and related policies
- (iv) Granny flat policies
- (v) Pelham-Welland boundary adjustments
- (vi) Commercial improvement policies
- (vii) Temporary use policies
- (viii) Holding policies

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the policies of the Pelham Official Plan.

DEFERRED #1
UNDER SECTION 17(10)
OF THE PLANNING ACT

PART B - THE AMENDMENT

1. Mineral Resource Extraction Area

The "Mineral Resource Extraction Area" policies 1.27 through 1.33 inclusive and the introductory paragraphs are hereby deleted and replaced with the following:

For more than three decades the Fonthill Kame Delta in the Town of Pelham has been the principal source of concrete sand in the Region of Niagara. The land form of the Kame Delta, together with its associated landscape, characterizes the pleasing amenity of the Town of Pelham, and indeed, is reflected in the name of the former Village of Fonthill. Today, the Kame Delta also supports a viable tender fruit industry on its slopes and contributes to the viability of the fruit and agricultural industry surrounding the Kame at its base due to its beneficial microclimatic characteristics. Over the past six or seven years there has been a growing concern by the municipality regarding the potential disappearance of the land form and associated agricultural industry if the sand pit operations were allowed to proceed unabated. As a result, investigations were undertaken by the Region of Niagara for Alternative Sources of Sand and Gravel in the Region. The recently completed Alternative Sand and Gravel Study by C. Mirza Engineering Inc. in 1985 reveals there are alternatives to the Fonthill Kame Delta for the supply of sand and gravel in the Region of Niagara. In particular, the study notes the following:

"Conclusion

1. This study has shown that it is feasible to satisfy the future (to the year 2000 plus) aggregate demands to the Niagara Region from sources other than the Fonthill Kame.
2. The alternative sources of significance consist of dredged materials from the Niagara Bar and crushed stone and manufactured sand from quarries. Further research is required from the Niagara Bar deposits to establish more positively their potential for use as concrete sand, but in terms of quality and quantity. However, the supply of quarried aggregates is virtually inexhaustible.

3. The realization of the full potential of quarried fine aggregates will take some time, since experience would be required to produce a manufactured concrete sand of acceptable quality. Further research is also required to determine the quality and acceptability of concrete made with blended fine aggregates from the Niagara Bar and quarries (manufactured sand and/or screenings).
4. Imported materials into the Niagara Region can meet short-term demands if the Fonthill operations are phased out faster than the development of the Niagara Bar potential and the establishment of a viable manufactured sand industry in the Region. However, a cost premium will be involved, whose economic impacts will be directly related to the duration of the phasing out program."

The Mirza study went on to suggest:- "If it is decided to convey the Kame to tender fruit growing and other environmentally more acceptable uses, the transition from present to future use should be made over a period of time. Such a phasing-out period is necessary not only to allow orderly winding up of the concrete operations, but also to permit development and deployment of the various alternative resources in the Region to meet the expected aggregate demands of the future."

Realizing that time will be necessary to redirect the interests of private industry to develop these alternative sources, the municipality has supported and approved a sufficient sand and gravel reserve on the Kame Delta to provide for the Region's concrete sand needs for the next 12 to 15 years. These actions, having now been undertaken, the municipality considers it appropriate to define the ultimate extent of sand and gravel removal from the Kame and a direction for the rehabilitation of all currently licenced areas. The municipality considers that its position is consistent with the Mineral Aggregate Resource Policy of the Province of Ontario, Section 2.3 Policies for Official Plan, which states the following:

"It is recognized that extraction may not be feasible or advisable throughout all areas of mineral aggregate resources protected in the Official Plan. The municipality may establish policies to permit land uses or developments in these areas under carefully considered circumstances where it can be shown:...

- b) that the proposed land use or development serves a greater long-term interest of the general public than does aggregate extraction;"

Accordingly, the following policies are recommended for inclusion in the municipality's Official Plan.

1.27 Mineral Resource Extraction activities on the Fonthill Kame-delta will be limited only to those areas designated Mineral Resource Extraction on Schedule "A" Land Use of the Official Plan as of the date of adoption of this amendment.

1.28 When extraction operations are terminated, all land affected shall be restored to a safe, sightly and acceptable condition in accordance with the site plans submitted with and subject of the approval of the existing licences pursuant to the Pits and Quarries Act.

2. The Official Plan is hereby amended by the addition of the following new section:

1.53 Community Improvement

Community improvement policies are the basis of a comprehensive land use planning program for the renewal, improvement and revitalization of older established areas of the municipality which exhibit signs of physical deterioration, age and neglect.

1.29 Goals and Objectives

To co-ordinate and guide public and private improvements in the community improvement areas.

To obtain government funding to act as a catalyst in community improvement projects.

To municipally sponsor community improvement projects.

To establish a comprehensive program of upgrading/preservation/rehabilitation/redevelopment so the quality of services and utilities and social and recreational facilities in community improvement areas is maintained at a high level.

To identify, reduce and eliminate municipal infrastructure deficiencies that restrict private community improvement initiatives.

1.30 Criteria for the Selection of
Community Improvement Area

The following criteria have been used to define areas
in need of community improvement:

- deficient storm sewers
- deficient sanitary sewers
- deficient watermains
- deteriorating or lack of sidewalks
- deteriorating or lack of curbs
- deteriorating roads
- substandard street lighting
- buildings in need of physical improvements
and/or repairs
- social and recreational facilities in need of
upgrading (arenas, swimming pools, etc.)
- inadequate parking in commercial areas

1.31 Establishment of Community Improvement Areas.

Designated Community Improvement Areas are as
follows:

- i) The Fenwick Sanitary Sewer Area, including
Centennial Park, as shown on Schedule A;
- ii) The Fonthill Urban Area Boundary, including
Fonthill Park.

1.32 Methods of Implementation

Goals and objectives will be implemented through the
establishment by by-law of community improvement
project areas and community improvement plans.
Council will also maximize the advantages of
community improvement by:-

- support the establishment of a business
improvement area
- refinement of zoning controls to maximize
business opportunity
- use of site plan control to co-ordinate
development
- enforcement of the Town property standards
by-law
- maximum use of government funds and programs to
effect community improvement

- encourage rehabilitation and reuse of existing buildings
- assist new development with land acquisition
- preservation of historic structures
- encourage infilling of vacant lots.

3. The "Open Space Areas" policy, including policies 1.35 and 1.36 inclusive of the Official Plan, is hereby deleted and replaced with the following:-

Open Space Areas -

The purpose of the Open Space designation is to recognize major public, private, conservation and recreational open space uses of land in the municipality.

1.35 Definition

The major uses permitted in the Open Space designation are forestry, agriculture, conservation uses, public and private park and recreation uses including golf courses.

1.36 Policies

1.36.1 The Open Space areas recognized by this Official Plan are existing uses of land. No additional areas are designated by this Official Plan. New Open Space uses will only be permitted by Amendment to this Official Plan and in compliance with the requirements of the Niagara Policy Plan and the Foodland Guidelines. Any application for a new private open space use must clearly demonstrate need for the proposed use and must be compatible with adjacent agricultural operations.

1.36.2 Open Space uses within areas of good agricultural land must leave land in large parcels that could be utilized for agriculture in the future. Buildings should not be a major part of any Open Space use, nor should the natural topography be altered to the future detriment of agriculture.

1.36.3 All Open Space uses shall be governed by the appropriate regulations of the Zoning By-law, including setback and parking provisions.

4. The Pelham Official Plan is hereby amended by adding the following new Policy 1.45 to the Official Plan and by consecutively renumbering policies 1.45 through 1.52 inclusive to 1.46 through 1.53.

1.45 Airport Noise Constraints and Height Limitations Policies

1.45.1 Land use in the vicinity of the airport must be cognizant of the effects of airport operations. In order to protect the health, safety and welfare and economic well being of the inhabitants of the municipality, such use of land will be subject to certain noise constraints and height limitations.

1.45.2 Noise Constraints

1.45.2.1 The impact of aircraft noise on lands in the vicinity of the Welland-Port Colborne Airport is a recognized development constraint, especially relating to new residential development. Even though no lands in the vicinity of the airport are designated for residential development by this Plan, new homes may be possible on existing lots of record or accessory to other land uses, such as agriculture.

1.45.2.2 Noise Exposure Forecast (NEF) lines have been developed and are shown on Schedule "A" and are intended to indicate noise levels associated with aircraft operations in the vicinity of the Welland-Port Colborne Airport.

1.45.2.3

New residential development will not be permitted within those areas which are predicted to experience noise disturbance levels of 30 NEF or greater. Residential development between 25 and 30 NEF shall be provided with adequate sound insulation in accordance with CMHC specifications.

1.45.2.4

The reconstruction of existing land uses within the vicinity of the airport will be permitted: however, the relocation of those uses which are incompatible with airport operations will be encouraged.

1.45.3 Height Limitations

1.45.3.1

Land uses shall be protected in the vicinity of the airport by restricting the height of all buildings and structures within the area shown on Schedule "A" as a "Height Restrictive Area".

1.45.3.2

The comprehensive zoning by-law shall restrict the height of all buildings and structures within the height restrictive area to 10.5 metres. Council may consider site specific amendments to the zoning by-law or Committee of Adjustment minor variance application to allow increased height of any building or structure in consultation with the Airport Commission and the

MTC. In no case shall an amendment be approved that causes a conflict between any building or structure and airport operations in order to protect the health, welfare and economic well being of the municipality's inhabitants.

5. The Pelham Official Plan is hereby amended by adding the following as policy 1.54:-

1.54 Granny Flats

- 1.54.1 A granny flat is a small, self-contained, relocatable housing unit for elderly or disabled family members.
- 1.54.2 The municipality supports the use of granny flats as a viable residential accessory use to a single-family unit.
- 1.54.3 Policies relating to the criteria under which granny flats will be permitted and the implementation mechanisms to control the use of granny flats will be established once the provincial experimentation program in the granny flat concept has been completed. The recommendations of the provincial study will be considered in establishing policies for this municipality.
- 1.54.4 It is intended that granny flats be permitted by amendment to the comprehensive zoning by-law based on the merits of each application pursuant to Section 38 (temporary zoning provisions) of The Planning Act 1983. Such provisions allow the need for the temporary use to be evaluated every 3 years and the use to be discontinued when no longer required.

6. The Pelham Official Plan is hereby amended by adding the following policies:-

1.55 Temporary Uses

The temporary use of land, buildings or structures may be authorized by Council by a by-law passed pursuant to Section 38 of The Planning Act 1983, notwithstanding that such use is otherwise prohibited by the Zoning By-law and no amendments to this Official Plan will be required to permit such a by-law to be passed. Such a by-law shall describe the area affected and set an expiry date for the by-law no more than 3 years after the passing thereof.

Council may pass a subsequent by-law granting an extension of up to 3 years; however, once the by-law has lapsed, the use permitted by the by-law must cease and any use which continues will be viewed as an illegal use in regard to the Zoning By-law.

In consideration of such application, Council shall satisfy itself that the use will be of a temporary nature only, that the use is reasonably compatible with the surrounding area and that the use will not have a deleterious effect on the surrounding area with regard to such matters as type of use, parking, traffic, access and egress and parking.

7. 1.56 Holding By-laws

1.56.1 Council may enact holding by-laws in accordance with The Planning Act 1983 in order to limit or prevent the use of certain lands until such time as Council is satisfied that development is feasible within the ability of the Region of Niagara and the Town of Pelham to provide the necessary services and such development satisfies the provisions of this Plan.

1.56.2 Generally, holding by-laws will be applied to lands which are unserviced or undeveloped at the date of this Plan. Holding by-laws will identify the ultimate use of these lands in accordance with this Plan and shall identify the holding restriction by affixing an 'H' prefix to the land use zone applicable to the lands.

- 1.56.3 Council will place certain lands in holding zones in order that lands may be released for development when appropriate, by amendment to the Zoning By-law.
- 1.56.4 Holding by-laws will specify uses (and any additional regulations applicable thereto) which will be permitted while the by-law is in effect, provided that such interim uses do not conflict with the ultimate designated use of the lands. Interim uses may include agricultural uses, one single-detached dwelling per lot, and uses existing at the date of adoption of this Plan.
- 1.56.5 Prior to enacting a by-law to delete the holding symbol in accordance with The Planning Act 1983, Council shall be satisfied that:-
 - (A) servicing capacity is available to, and servicing systems are adequate for the servicing of the subject lands;
 - (B) all necessary financial and servicing requirements have been satisfied;
 - (C) all necessary subdivision or development agreements have been entered into and the conditions of this agreement have been or will be met; and
 - (D) proposed development of the subject lands satisfies all other applicable policies of this Plan.