

AMENDMENT NO. 2
TO THE OFFICIAL PLAN
OF THE
PELHAM PLANNING AREA

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Prepared by the Pelham Planning Board

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SECTION 1

TITLE AND COMPONENTS OF THIS AMENDMENT

1. This Amendment shall be referred to as Amendment No. 2 to the Official Plan of the Pelham Planning Area. The Pelham Planning Area was established on January 1st, 1970 with the inception of the Regional Municipality of Niagara. The Town of Pelham forms a subsidiary Planning Area within the Regional Planning Area.
2. This Amendment applies to the Official Plan of the Pelham Planning Area as approved by the Minister of Housing on May 23rd, 1974.
3. Sections 1 to 6 inclusive and the attached Schedules 'A' and 'B' constitute this Amendment.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend certain sections of the text of the Official Plan of the Pelham Planning Area as approved by the Minister of Housing, in order to provide rural policies that will permit certain non-farm rural development that is desired by the Council and general public. Such policies are in accordance with the policies of the draft Regional Official Plan which has been submitted by the Regional Municipality to the Ministry of Housing for approval. Some Open Space areas are deleted by this Amendment.

SECTION 3

LOCATION OF THIS AMENDMENT

Sections 1.9, 1.10, 1.11, 1.12, 1.39 and 1.40 of the Official Plan of the Pelham Planning Area will be deleted and replaced by Section 5 of this Amendment. As well, much of the Open Space designation will be changed to Rural as indicated on Schedule 'A' to this Amendment.

Recent changes in the policy areas of the Niagara Escarpment Commission are also reflected in this Amendment.

- (iv) such development operates in the direction of maintaining the present and traditional mixture of rural and urban population in the Town. Without it, and if all new development is located within the urban area, the feeling is created among the rural areas that they will become an insignificant minority within the Town in total.
 - (v) the Town is convinced that good agricultural land will be preserved for agricultural use by directing the demand from the people desirous of establishing in the Rural Area to the marginal land of little or no agricultural value, and by reducing the breaking up of farms into 25-acre parcels.
 - (vi) it is desirable to have a limited choice of location available to those wishing to establish domicile within the Town as some families are very unhappy in an urban environment.
- (b) Extensive Open Space areas have been delineated adjacent to Hazard Lands on Schedule 'A1' to the Pelham Official Plan. The Town Council has been frustrated in its attempt to implement the Official Plan with a comprehensive Zoning By-law because of the arbitrary nature of the Open Space boundaries. The Niagara Peninsula Conservation Authority has indicated that in its opinion there is no apparent reason for the Open Space designations and would not be opposed to their deletion from the Plan.
- (c) Since the approval of the Official Plan of the Pelham Planning Area and the delineation of Special Policy Area 1 and Special Policy Area 2 on Schedules 'A1' and 'A2' to that Official Plan, these Special Policy Areas have been superseded by a Niagara Escarpment Area of Development Control. This Amendment will delineate this development control area, which is in addition to and does not replace the various land use categories established within the Official Plan.

SECTION 5

THE AMENDMENT

The Official Plan of the Pelham Planning Area is hereby amended to give effect to the following:-

1. Subsections 1.9, 1.10, 1.11, 1.12, 1.39 and 1.40 are hereby deleted and the following substituted therefor:-

"The Rural Area

This area contains land with good agricultural soils and unique agricultural lands for tender fruit and grape production, subject to limitations of climate. It also contains areas of land of little or no use for agriculture and scattered existing strip residential, commercial and recreational uses, and existing hamlets.

purposes, and for prohibition of nuisances. The implementing Zoning By-law shall permit:-

- 1.10.4.1 the erection of a single family dwelling on any parcel of land existing as a separate lot at the date of passing of such By-law, and
- 1.10.4.2 the erection of a single family dwelling on any lot given consent by the Niagara Land Division Committee after the passing of such By-law, in accordance with the policies of this Plan and the provisions of The Planning Act.
- 1.10.5 New intensive animal operations shall comply with the Agricultural Code of Practice for Ontario (January, 1976, as revised) or alternate arrangements may be permitted by the Agricultural Engineer and incorporated in a Certificate of Compliance as set out in the Regional Policy Plan in 6.A15.
- 1.10.6 Policies applying to permitted small scale industrial and commercial uses within the area, which are preferred to locate in the existing hamlets.
 - 1.10.6.1 they shall be encouraged to locate on a Regional Road or Provincial Highway and on lands deemed to be not good for agriculture, subject to the provisions of the Zoning By-law.
 - 1.10.6.2 they shall be sited to minimize their effect on adjacent uses, particularly agricultural and residential.
 - 1.10.6.3 all permitted buildings shall be so designed and any lighting or signs so arranged as to harmonize with the general character of the adjacent uses.
- 1.10.7 In considering an amendment to this Plan, or to the complementing Zoning By-law involving development on lands in the vicinity of the Welland Airport, due regard shall be had to flight paths, possible runway extensions and heights of buildings or structures.

1.11 Consents Policy for Rural Areas

Consents will generally be restricted in rural areas. Regard shall be had to other policies of the Official Plan, to the matters set out in Section 33 (4) of The Planning Act, and to the following criteria when considering an application for consent:-

- 1.11.7.3 when a farmer retires and sells his farm, but wishes to continue to live on a part of the farm, or the farmer dies and his widow wishes to sell the farm and continue to live on part of such farm.

Lots for such purposes shall be approximately one acre in size. Larger lots will be considered in special circumstances.

1.11.8 Severance for Non-Farm Related Residential Use

A severance for a non-farm related residential use not complying with 1.11.7 above:-

- 1.11.8.1 should be permitted only on a very restricted basis according to a quota to be established by Council in a by-law for that purpose.
- 1.11.8.2 should be permitted only after having regard to all other policies of this Plan.
- 1.11.8.3 should be granted only if the parcel in question is not in fruit production or cropland or considered to be suitable for such, and a home on the parcel is not considered to be in conflict with fruit or crops production on adjacent lands.
- 1.11.8.4 should be granted only after consideration is given by the Land Division Committee to:-
- (a) a site inspection of the land comprising the proposed severance,
 - (b) a report by the Town Building Inspector stating his opinion of the suitability of the location of the residence proposed for the parcel of land to be created by the consent, and
 - (c) a report by the Ministry of the Environment or its agent (at present, the Niagara Regional Health Unit) on the likelihood of a suitable water supply being available, and the suitability of the proposed location for a sewage disposal system meeting current regulations which report shall be submitted to the municipality before certificate of final completion is forwarded to the Regional Niagara Land Division Committee.
- 1.11.8.5 should be permitted only after it has been determined that the land comprising the severance is not subject to the danger of flooding, subsidence, erosion or other physical hazard and is suitable for the proposed use.

1.11.8.10 should be granted only if substantial spacing is provided between adjacent residences, and

1.11.8.11 should be granted only if the minimum lot size is two acres subject to the criteria of minimum lot area for satisfactory water supply and septic tank operation in 1.11.8.4. (c) above.

1.12 Development Monitoring

The Town will carry out a monitoring programme to determine the impact of residential development in the rural area, and the effectiveness of the criteria for decision making on severance applications. The Town will maintain a file for the collection, retention and periodic analysis of all operations, complaints, comments and requests received from owners of these new residential properties or existing adjacent properties. In particular, the Town will report annually to the Ministry of Housing, the Regional Planning Committee and the Ministry of Agriculture and Food whether these developments have resulted in:-

- (a) any demands for extension of any services,
- (b) any demands for improvement in the level of services, i.e. snow ploughing, grading, dust control, refuse pickup, speed controls, weed control, signing, etc.
- (c) any conflicts between agricultural and non-agricultural uses."

1.39 In the interim, the following policies will apply:

Niagara Escarpment Development Control Area

Under Bill 129, an Act to provide for planning and development of the Niagara Escarpment and its vicinity, the Minister of Housing was empowered to designate an Area of Development Control within the Niagara Escarpment Planning Area. The Area of Development Control was formally established on June 10, 1975 and Schedules 'A1' and 'A2' to the Official Plan delineates the Area.

Notwithstanding any other provision of this Official Plan, within the area designated "Niagara Escarpment Area of Development Control" on Schedules 'A1' and 'A2' to the Official Plan, only those exempted classes of use contained in Section 5 of Ontario Regulation 453/75 as amended are permitted without a development permit issued by the Niagara Escarpment Commission.

A Development Permit application for any other class of use must be made to the Niagara Escarpment Commission which will consider and respond to each proposal on its individual merit.

In the event that the development control area is decreased, the established land use policies of this Official Plan shall prevail subject to the policy of Section 1.38 hereof.