

THE OFFICIAL PLAN  
FOR THE  
TOWN OF PELHAM PLANNING AREA

This 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 modified under the provisions of Section 14 of The Planning Act as follows:

1. Page 7, Section 1.9.2 is hereby modified by deleting the paragraph in its entirety and replacing it with the following:  

"1.9.2 Institutional uses such as schools, churches, parks and conservation areas, sanitary and public and private recreational facilities and clubs provided that these will not detract from the maintenance of the rural environment."
2. Page 7, Section 1.10.2 is hereby modified by deleting the word "motels," from the second line.
3. Page 7, Section 1.10.2.3 is hereby modified by adding the following after the word "groups" in the first line:  

"as sown in Schedules A1 and A2"
4. Page 8, Section 1 is hereby modified by the addition of a new Section 1.12.5 as follows:  

"1.12.5 In considering new development on an Amendment to the Plan or the zoning by-law which affects lands in the vicinity of the Welland Airport, the Council shall have due regard to the requirements of the Airport, particularly with respect to flight paths, heights of buildings or structures and the possible extension of runways."
5. Page 12, Commercial Areas is hereby modified by deleting the last two sentences of the first paragraph in their entirety.
6. Page 13, Section 1.23 is hereby modified by deleting the words "may be viewed favourably" found in the first paragraph, and replacing these with; "will be reviewed in the context of Regional studies and policies, and".
7. Page 14, Resource Extraction Area, is hereby modified by addition of the following at the end of the first paragraph:

"The provisions and regulations of the Pits and Quarries Control Act, 1971 will apply to any pits and quarries in the Pelham Planning Area.

In addition in accordance with the policy announced by the Government on June 4, 1973 in connection with the Escarpment proposals the opening of new pits and quarries shall be prohibited within the Restricted Quarry Area shown on Schedules A1 and A2."

8. Page 14, Section 1.30 is hereby modified by addition of the following at the end of that Section:

"However wayside pits operated by the Ministry of Transportation and Communications will be subject to an agreement between the Municipality and the Ministry rather than a special by-law."

9. Page 15, Section 1 is hereby modified by addition of the following new Sections:

#### HAZARD LANDS

##### "1.34 Definition

The Hazard Lands designation includes all lands having inherent environmental hazards, such as poor drainage, organic soils, flood susceptibility, erosion, steep slopes or any other physical condition which leads to the deterioration or degradation of the environment. Lands so designated are intended primarily for preservation and conservation of the natural land and/or environment. Such uses as agriculture, outdoor recreation, nursery gardening, forestry and the conservation of soil or wildlife, shall be permitted. In addition, public or private parks or other outdoor recreation functions such as golf courses, shall also be permitted. No buildings nor the placing nor removal of fill of any kind, whether originating on the site or elsewhere, shall be permitted in areas subject to periodic flooding or physical limitations of any kind without the written consent of the Conservation Authority having jurisdiction in the area. It is recognized that the land so designated by their nature are to be managed in such a fashion as to complement adjacent land uses and protect them from any physical hazards or their effects.



### 1.35 Policies

In the absence of more detailed floodline, swamp or valley contour mapping, the boundaries of the Hazard Lands as shown on Schedules 'A<sub>1</sub>' and 'A<sub>2</sub>' will be used as guides for the preparation of zoning by-law provisions, which will implement the policies of this Section. When more detailed mapping becomes available, the Municipality will amend this Plan and the implementing zoning by-law, as required. Building setbacks will be imposed from the margins of the Hazard Land related to the extent or severity of the hazard.

### 1.36

Where land designated Hazard Lands is under private ownership, this Plan does not indicate that this land will necessarily remain as such indefinitely, nor shall it be construed as implying that such areas are free and open to the general public or will be purchased by the municipality or other public agency. An application for the redesignation of Hazard Lands for other purposes may be given due consideration by the municipality after taking into account:

- a) the existing environmental and/or physical hazards;
- b) the potential impacts of these hazards; and
- c) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;

There is no public obligation, however, either to redesignate or to purchase any land if there is an existing or potential hazard that would be difficult or costly to overcome.

### 1.37

Where new development is proposed on a site, part of which has physical or environmental hazards, then such hazard lands shall not necessarily be acceptable as part of the five percent dedication for Open Space under The Planning Act. All lands dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality. Where an open watercourse is involved, adequate space shall be provided for maintenance and operations.

Niagara Escarpment Lands

1.38

The Niagara Escarpment Planning and Development Act, 1973 provides for the preparation of a plan for the Niagara Escarpment. When the Niagara Escarpment Plan is in effect and where there is conflict between any provision of the Plan and any provisions of this Plan then the provisions of the Niagara Escarpment Plan prevail, and this Plan will be amended where necessary to conform with the Niagara Escarpment Plan.

1.39

In the interim, the following policies will apply:

1.39.1 Special Policy Area No. 1

Because of the special characteristics of this area and its Provincial importance, no development will be permitted until the Provincial policy for the preservation of the Niagara Escarpment is defined. At such time the Official Plan will be amended to bring it into conformity with Provincial policy, after the due consultation with the Municipality.

1.39.2 Special Policy Area No. 2

Notwithstanding the designation shown for these lands on Schedules A<sub>1</sub> and A<sub>2</sub>, development will not necessarily be permitted to proceed in accordance with this designation. All proposals will be assessed on their individual merits, the first priority in the area being the preservation of the unique character of the Niagara Escarpment. To this end, all development proposals will be submitted to the Ministry of Treasury, Economics and Intergovernmental Affairs and to any agency appointed or designated by the Province for reviewing proposals on the Niagara Escarpment. No development will be approved prior to the receipt of a report from such agency (or agencies) and those agencies concerned with the environment.

1.40

The lands designated as Special Policy Areas 1 and 2 are indicated on Schedules A<sub>1</sub> and A<sub>2</sub>."

10. Page 25, Section 4.3 is hereby modified by deleting the first sentence and replacing it with the following:



"4.3 The realignment of Highway 20 in the vicinity of Fonthill is proposed by the Ministry of Transportation and Communications and the alternatives are indicated on Schedule C."

11. Page 26, Section 4.7 is hereby modified by replacing the words "septic tanks" with the words "septic tank systems" in the first sentence, and adding the following new sentence at the end of that Section:

"Applications to the Niagara Regional Health Unit for approval of septic tank systems must be supported by a soils report prepared by a professional soils analyst."

12. Page 27, Section 4.16.5 is hereby modified by deleting the word "located" in the first sentence and replacing it with the following:

"permitted by the passing of an implementing zoning by-law and"

This Section is further modified by deleting the reference to the "Department of Energy and Resources Management" and replacing it with "Ministry of the Environment."

13. Page 30, Section 5.2.3 is hereby modified by deleting the paragraph in its entirety and replacing it with the following:

"5.2.3 After the date of adoption all uses referred to as ancillary in Section 1 would require a zoning amendment prior to development being permitted."

14. Page 30, Section 5.3 is hereby deleted in its entirety.
15. Schedule A1, Land Use is hereby deleted with the exception of those lands to be referred to the Ontario Municipal Board, as shown outlined in green, and replaced with a revised Schedule A1, except for those lands to be referred to the Ontario Municipal Board, as shown outlined in green.
16. Schedule A2, Land Use is hereby deleted with the exception of those lands to be referred to the Ontario Municipal Board, as shown outlined in green, and replaced with a revised Schedule A2, except for those lands to be referred to the Ontario Municipal Board, as shown outlined in green.

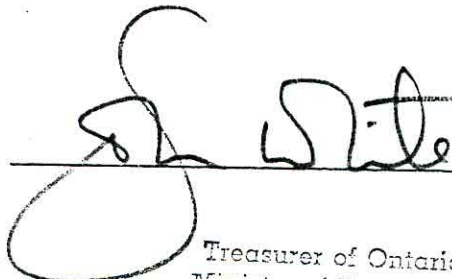
17. Schedule C, Public Works is hereby deleted and replaced with a revised Schedule C.

As thus modified, this Official Plan is hereby approved pursuant to Section 14 of The Planning Act, as Official Plan for the Town of Pelham Planning Area, save and except the following, which will be referred to the Ontario Municipal Board:

"Those areas as shown outlined in green on Schedules "A1" and "A2" and the following Sections of the text of this Plan.

1. Page 8, Section 1.12.4
2. Page 9, the Section entitled "The Rural Residential Area" and including Sections 1.13, 1.14, 1.15 and 1.16"

Date .... Dec 28/13 .....

  
\_\_\_\_\_  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

Official Plan  
for the  
Pelham Planning Area

This official plan for the Pelham Planning Area which has been adopted by the Council of the Town of Pelham, is hereby modified under the provisions of Section 14 of The Planning Act, as follows:

18. Page 8, Section 1.12.4 is hereby deleted in its entirety.
19. Page 9, Section 1.14.1 is hereby modified by deleting the word "motels" from the second line.
20. Page 10, Section 1.15.1 is hereby modified by deleting the reference to the "Department of Municipal Affairs" and replacing it with reference to the "Ministry of Housing".
21. Page 10, Section 1.15.2 is hereby modified by deleting the words "Pelham Center" from the second line.
22. Page 10, Section 1.16.2 is hereby modified by deleting the words "Pelham Center" from the second line.
23. Page 10, Section 1.16.3 is hereby modified by deleting the following:

"Pelham Center -- approximately  
500 people".
24. Schedule A1, Land Use is hereby deleted in the area as shown outlined in green and replaced by the area as shown outlined in green in a revised Schedule A1.
25. Schedule A2, Land Use is hereby deleted in the area as shown outlined in green and replaced by the area as shown outlined in green in a revised Schedule A2.

As thus modified, the remainder of this Official Plan, which includes the following:

"Those lands as shown outlined in green on Schedules 'A1' and 'A2', and the following Sections of the Plan.

1. Page 8, Section 1.12.4.
2. Page 9, the Section entitled "The Rural Residential Area" and including Sections 1.13, 1.14, 1.15 and 1.16."

is hereby approved pursuant to Section 14 and 44(a) of The Planning Act, as the Official Plan for the Town of Pelham Planning Area.

Date.....

May 23/74



Minister of Housing

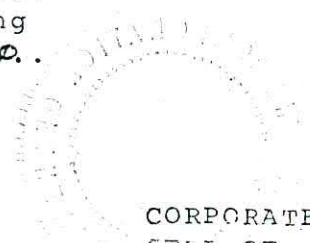


I .....L.C...HUNT..... certify that this is the  
Original/Duplicate Original/Certified Copy of the Official  
Plan of the Pelham Planning Area.

*L.C. Hunt*

THE OFFICIAL PLAN  
OF THE  
PELHAM PLANNING AREA

This Official Plan was adopted by the Corpora-  
tion of the Town of Pelham by Bylaw No. 52....  
in accordance with Section 11 of The Planning  
Act, on the ..20<sup>th</sup>. day of ..JULY..... 1970..



.....  
Mayor

*L.C. Hunt*  
.....  
Clerk

CORPORATE  
SEAL OF  
MUNICIPALITY

~~This Official Plan of the Pelham Planning Area,  
adopted by the Council of the Town of Pelham, is  
hereby approved in accordance with Section 12  
of The Planning Act, as the Official Plan of the  
Pelham Planning Area.~~

~~Date .....  
Minister of Municipal Affairs~~

## BYLAW NO...52.....

The Council of the Corporation of The Town of Pelham,  
in accordance with the provisions of The Planning Act,  
hereby enacts as follows:

1. The Official Plan of the Pelham Planning Area, consisting of the attached schedules and explanatory text, is hereby adopted.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of the Official Plan of the Pelham Planning Area.
3. This Bylaw shall come into force and take effect on the day of the final passing thereof.

Enacted and passed this ...20..... day  
of ...July..... 196.....

Signed

*[Signature]*  
Clerk

Signed

*[Signature]*  
Mayor

SEAL OF THE  
CORPORATION

Certified that the above is a true copy of Bylaw No. 52...  
as enacted and passed by the Council of the Town of Pelham  
on ..JULY 20<sup>th</sup>.. 1970.....

Signed

*[Signature]*  
Clerk of the Municipality