

Amendment No. 7 to the Official Plan for the
Pelham Planning Area

This Amendment No. 7 to the Official Plan for the 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, R.S.O. 1980, as follows:

1. Item 4, policy 1.10.3, is hereby modified by its entire deletion and replacement with the following:

"New or expanding livestock operations and non-farm uses shall be separated to minimize environmental conflicts in the agricultural area in accordance with the MDS Formula of the Agricultural Code of Practice.

New dwellings shall be separated from livestock operations in accordance with the MDS Formula or 300 metres, whichever is the greater, except that a new dwelling may be erected on a lot existing at the date of the passing of Zoning By-law No. 450(78) provided that the location of such new dwelling shall be in accordance with the MDS Formula (subject to the normal operations of the Committee of Adjustment). No variance shall be granted that will jeopardize adjacent livestock operations."

2. Item 4, policy 1.10.5, is hereby modified by the deletion of the word "undersize" in the thirteenth line.
3. Item 4, policy 1.10.6.2, is hereby modified by its deletion and replacement with the following:

"1.10.6.2 - Land severance may be permitted when two or more farms have been amalgamated under one ownership and consent is requested for conveyance of a lot with a surplus farm dwelling thereon, subject to the following criteria:

- i) That the severance of a surplus farm dwelling complies with the other policies of this plan and the zoning by-law.

- ii) That no residential development be permitted on the vacant remnant parcel of farm land created by the consent. Therefore, as a condition of any severance involving a vacant, remnant parcel of land, the applicant enter into an agreement with the town consenting to a rezoning of the remnant parcel to exclude its use for residential purposes, and the town will undertake to rezone the remnant parcel to an appropriate zone. In areas under the jurisdiction of the Niagara Escarpment Commission, no development permit will be issued to construct a residential dwelling on the vacant remnant parcel of land by understanding of the Niagara Escarpment Commission and with the support of the Regional Policy Plan.

In the good tender fruit and good grape lands, a future rezoning of the remnant parcel to allow a farm-related dwelling will not be permitted. However, in good general agricultural areas, a rezoning of the remnant parcel to permit a farm-related dwelling may be considered in the future. This rezoning may be considered should changes in agricultural practices or in the economics of the farm operation occur that could not reasonably be expected to be foreseen at the time the original severance of a surplus dwelling was granted and that makes the addition of a new farm dwelling to the farm operation necessary. Instances when such a rezoning would be necessary are likely to be rare and occur only after a considerable passage of time.

- iii) That a surplus farm dwelling should only be severed if the dwelling can meet the Minimum Distance Separation Formula for livestock operations or buildings as set out in the Agricultural Code of Practice.

- iv) That the provisions of subsection 1.10.7 are satisfied.
 - v) That the surplus dwelling should be of sufficient quality and value to warrant its retention on the property and use as a non-farm residence and meet existing maintenance and occupancy by-law standards.
 - vi) That the remnant parcel of farm land should be of a substantial size to function as a significant part of the overall farm unit.
 - vii) That the residence proposed for severance must be surplus to the owner's present and anticipated future needs for family residence and for farm help houses.
 - viii) That the applicant must be a full-time farmer (as defined in this Plan). This provision is intended to encourage part-time farmers to become full-time farmers through the amalgamation of additional farm parcels."
4. Item 4, policy 1.10.6.4, is hereby modified by the deletion of the word "surrounding" in the seventh line and its replacement with "adjacent" and the deletion of the word "or" in the ninth line and the addition of the following:
- "This policy is only applicable within the Good General Agricultural Area and does not apply within the Unique Agricultural Area; or"
5. Item 4, policy 1.10.6.5(i), is hereby modified by the deletion of the word "earned" in the fourth line and the replacement with "net".
6. Item 4, policy 1.10.7, is hereby modified by the addition of the following:
- "1.10.7.6 - Any new lot is to be as small as possible to conform with the Provincial Foodland Guidelines."

7. Item 4, policy 1.10.8, is hereby modified by the addition of the following words:

"and that such additional dwelling should be located in order to minimize its effect on the tillable area of the farm or its viability."

8. Item 4, policy 1.10.13, is hereby modified by its deletion and replacement with the following:

"1.10.13 - Regard shall be had for the 'Natural Resources' policies contained herein, including subsections 1.47 through 1.51 inclusive, where applicable, within all Agricultural designations."

9. Item 4, policy 1.10.14, is hereby modified by the deletion of the phrase "Lot 8, Concession 7" and its replacement with "Lot 7, Concession 8".
10. Item 4, policies 1.11 and 1.12, are hereby modified by their deletion and replacement with the following:

"1.11 Special Rural Area

The Special Rural Area is located in the northeast corner of the municipality and consists of a combination of environmentally sensitive lands with a marginal agricultural capability according to the Canada Land Inventory Soil Capability for Agriculture. The Special Rural Area is delineated on Schedule "A" and may be further refined by subsequent amendments to this Official Plan.

1.12 Permitted Uses and Policies

1.12.1 - agricultural uses; forestry uses and timber harvest operations in woodlots under agreement pursuant to the Woodlot Improvement Act and the Forestry Act; public and private recreation and open space uses such as golf courses,

campgrounds, picnic areas, and nature reserves; and a limited amount of non-farm residential uses by consent to sever provided they will not adversely affect the natural environment of the particular area or existing agricultural uses on adjacent lands.

1.12.2 - New non-farm residential uses by consent to sever are subject to the following criteria and other relevant requirements of this Official Plan: -

1.12.2.1 - The proposed development should offer amenities such as landscaping and vegetation.

1.12.2.2 - The proposal should be designed insofar as is possible to retain and protect heritage and natural features and vegetation, and, in addition, may make provision for the enhancement of the site.

1.12.2.3 - The development should be at a scale and density suitable to the physical characteristics of the site.

1.12.2.4 - Soil and drainage conditions are suitable and permit the proper siting of buildings, the supply of potable water and the installation and long-term operation of an adequate means of waste disposal.

1.12.2.5 - The site should not have problems of flooding, erosion, unstable slopes, is not swampy, and does not have organic soils, and is not in active agriculture operation.

1.12.2.6 - Development will not have a significant detrimental impact on the larger surrounding ecosystem, such as a reduction in water quality and quantity or interference with natural farm drainage.

1.12.2.7 - Proposed developments must be suitably distant from, and protected from, incompatible land uses such as existing pits and quarries, possible mineral resource areas recognized in this Plan, livestock operations, existing and former solid waste sites which may result in adverse environmental effects. The Minimum Distance Separation Formula of the Agricultural Code of Practice must be used to determine the separation distance of a proposed development from an existing livestock operation or a distance of 300 metres, whichever is the greater.

1.12.2.8 - Proposed developments must have adequate access, but locations must not jeopardize the operation of the road system by improper or numerous accesses.

1.12.2.9 - Minimum lot size shall normally be about .4 hectares and the minimum frontage, 46 metres, but this is variable, depending on local conditions or on special design proposals.

1.12.2.10 - The size of any new lot shall not exceed an area of 0.4 hectare except:

- (a) to the extent of an additional area deemed necessary to support a well and private sewage disposal system as determined by the Medical Officer of Health or such other person appointed for that purpose by the Ministry of the Environment, or
- (b) to the extent of some additional area to accommodate any existing structure or particular physical features on the site and not necessary to the agricultural operation or capable of agricultural production.

- 1.12.3 Development applications of any kind shall not adversely impact on the natural environment. In this regard, the municipality and/or the Region, after consultation with the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority, may require a study submitted by the applicant and carried out by a qualified environmental specialist which identifies and describes the natural environment that will be affected (plant and animal species, natural system involved, groundwater table, etc.), the effects on the environment that may be caused by the development and actions necessary to remedy or prevent these effects. Included as well should be an evaluation of the advantages and disadvantages to the area of the undertaking or development and the alternatives to the undertaking or development.
- 1.12.4 The Special Rural Area shall be considered a site plan control area pursuant to Section 40 of the Planning Act. All development applications in the Special Rural Area shall require a site plan control agreement to strictly preserve the natural environment and enforce the findings of any studies undertaken as a requirement of subsection 1.12.3 hereof.
- 1.12.5 Uses such as public utilities, communication and transportation facilities, and public uses should only be permitted in or through Special Rural Areas if it can be demonstrated that the advantages of any project outweigh the disadvantages. This weighing of advantages versus disadvantages requires evaluation of:
- 1.12.5.1 - the value and sensitivity of the particular site;
- 1.12.5.2 - the expected impact of the proposed project on the environmentally sensitive area;
- 1.12.5.3 - the need for and benefits of the proposed project; and

- 1.12.5.4 - the advantages and disadvantages of alternative location for the proposed project.
- 1.12.6 New or expanding livestock operations and all non-farm uses shall be subject to the policies of subsection 1.10.3 hereof.
- 1.12.7 Established non-conforming uses and existing vacant lots shall be subject to the policies of subsection 1.10.5 hereof.
- 1.12.8 The "Natural Resources" policies contained herein, including subsections 1.47 through 1.51, shall be considered where applicable within the "Special Rural Area".
11. Item 5, is hereby modified by deletion of the title "Village Residential Areas" and its replacement with "Village Residential and Special Village Residential Areas".
12. Item 5, policy 1.14.3, is hereby modified by the addition of the following:
- "Existing dwellings and other buildings of architectural and historical interest should be conserved wherever possible and conservation of such structures may be a requirement in the approval of a plan of subdivision or consent."
13. Item 5, is hereby modified by the addition of the following:
- "1.15.5 The Special Village Residential Area in Fenwick has been serviced with sanitary sewers and municipal water since the Ontario Municipal Board Regional Policy Plan decision on February 27, 1981.
- 1.15.5(i) That the permitted uses of land and development policies of the Village Residential Area designation shall apply to the Special Village Residential Area."

14. Item 13, policy 1.38.8, is hereby modified by the addition of the following sentence after the third paragraph:

"The removal of trees in the municipality shall be subject to the provisions of the Regional Tree By-law #2744-81, as amended."

15. Item 17, policy 1.46.1, is hereby modified by replacing the word "Ministry" with "Minister", where it appears, and by addition of policy 1.46.1.4 as follows:

"1.46.1.4 Notwithstanding the generality of the foregoing, the above noted studies and approval by the Town shall not be required for any undertaking which has been approved under the Environmental Assessment Act."

16. Item 18, policy 1.51.2, is hereby modified by the addition of the following:

"Council also recognizes that certain portions of the Fonthill Kame-delta have distinctive heritage attributes which have been deemed to be of provincial significance and interest. Such areas will be protected and the Ministry of Citizenship and Culture and the Ontario Heritage Foundation may be consulted for advice in this regard."

17. Item 23, policy 3.7, is hereby modified by the deletion of "R.S.O. 1980" in the sixth line, and its replacement with "S.O. 1983" and the deletion of "36(8)" in the eighth line and its replacement with "50(8)".

18. Item 29, policy 4.16.1, is hereby modified by the deletion of the phrase "or a depleted Extractive Industrial area".

19. Item 29, policy 4.16.2, is hereby deleted and replaced with the following:

"4.16.2 Be located so as to provide adequate protection to residents against adverse environmental effects such as methane gas and leachate. The separation distance should be no less than 500 metres, measured from the nearest limit of the landfilling area to the nearest

residential or institutional building. Conversely, no new residence or institutional building should be permitted to locate at a distance nearer to a waste disposal site than 500 metres, based on the point of reference specified above.

Based on the degree of adverse environmental effects anticipated and any control measures proposed, reduction or extension to this distance will be considered on a case by case basis in consultation with the Ministry of the Environment."

The amendment is hereby modified by the addition of the following item:

"29.A - The following policy is added to section 1:

1.8(a)- Nothing in this Plan shall be interpreted to mean that an undertaking subject to the Environmental Assessment Act may proceed until it has complied with that Act. The municipality will not give any licence, permit or approval that may lead to the commencement of any such undertaking that is not approved (or exempted) under the Environmental Assessment Act."

20. Item 30 the amendment is hereby modified by adding the following policy after policy 4.18.

"Electric Power Facilities -

4.19 - The development of electric power facilities shall occur in an orderly manner to facilitate the efficient and reliable provision adequate electric power. As such, it is the policy of the Plan that electric power facilities are permitted in all land use designations as provided for under Section 61 of the Planning Act, 1983, and that the planning of all such facilities will be carried out having regard to the other policies of this plan. Furthermore, Ontario Hydro shall consult with the municipality on the location of any new electric power facilities."

21. Item 32 is hereby modified by replacing "Section 5.4" with "Section 5.5".
22. The amendment is hereby modified by the addition of the following item:

"32a The word "may" in the sixth line of Section 5.4 is replaced with "shall."
23. The amendment is hereby modified by the deletion of all page number references.
24. Schedule 'A' is hereby deleted and replaced by a revised Schedule 'A', and further modified by deleting the word "Sensitive" and replacing it with "Constraint", by deleting "Service Area" and replacing it with "Area Boundary", and by applying the "Unique Agricultural" designation in the southeast corner of Pelham where the village limits were reduced.

As thus modified, Amendment No. 7 to the Official Plan for the Pelham Planning Area is hereby approved pursuant to section 14 of the Planning Act, R.S.O. 1980, save and accept:

The following which are deferred for further consideration pursuant to section 17 of the Planning Act, R.S.O. 1980:

1. The area outlined in yellow on the attached Schedule 'A', identified as "Area 1".
2. All of the policies of the plan insofar as they apply to "Area 1".
3. The area outlined in red on the attached Schedule 'A', identified as "Area 2".
4. All of the policies of the plan insofar as they apply to "Area 2".
5. The area outlined in red on the attached Schedule 'A', identified as "Area 3".
6. All of the policies of the plan insofar as they apply to "Area 3".
7. The areas outlined in red on the attached Schedule 'A', identified as "Area 4".

8. All of the policies of the plan insofar as they apply to "Area 4".
9. The area outlined in blue on the attached Schedule 'A', identified as "Area 5".
10. Item 4, policies 1.10.11 and 1.10.12, Item 16, policies 1.42, 1.43 and 1.44 insofar as they apply to "Area 5".
11. The area outlined in green on the attached Schedule 'A', identified as "Area 6".
12. Item 14, policies 1.39 and 1.40 insofar as they apply to "Area 6".
13. The following words in Item 4, policy 1.10.2:

"Golf courses, parks, and conservation clubs, and other open space and recreational uses and including, but not limited to, publicly owned recreational uses where the land can be used in the future for agriculture;"
14. The area outlined in red on the attached Schedule "A", identified as "Area 7".
15. Item 10, policies 1.30, 1.31, 1.32 and 1.33 insofar as they apply to "Area 7".

Date *March 8 / 85*

