

AMENDMENT NO. 7
TO THE
OFFICIAL PLAN
OF THE
PELHAM PLANNING AREA

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OFFICIAL PLAN AMENDMENT
NO. 7
OF THE
PELHAM PLANNING AREA

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* Categories from existing official plan

CERTIFICATES
OFFICIAL PLAN
OF THE
PELHAM PLANNING AREA
AMENDMENT NO. 7

The attached Schedules "A", "B" and "C" and explanatory text, constituting Amendment No. 7 to the Official Plan of the Pelham Area, was prepared by the Pelham Planning Committee and was adopted by the Corporation of the Town of Pelham by By-law No. 815 (1982) in accordance with Sections 13 and 17 of The Planning Act on the 18TH day of OCTOBER, 1982.

ES. Bergenstam
Mayor

Mary Hackett
Clerk (SEAL)

* * * * *

This Amendment to the Official Plan of the Pelham Planning Area, which has been recommended by the Pelham Planning Board 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. 7 to the Official Plan of the Pelham Planning Area.

DATE: _____

Approval Authority

CORPORATION OF THE

TOWN OF PELHAM

BY-LAW NO. 815 (1982)

The Council of the Corporation of the Town of Pelham in accordance with the provisions of The Planning Act, R.S.O. 1980, hereby enacts as follows:

1. Amendment No. 7 to the Official Plan of the Pelham Planning Area, consisting of the attached Schedules "A", "B" and "C" and explanatory text, is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of the aforementioned Amendment No. 7 to the Official Plan of the Pelham Planning Area.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

Enacted and passed the 18TH day of OCTOBER, A.D., 1982.

Signed: " M. Hackett "
Clerk

"E. Bergenstein"
Mayor

(SEAL)

Certified that the above is a true copy of By-law No. 815 (1982) as enacted and passed by the Council of the Town of Pelham on OCTOBER 18TH, 1982

Signed: 
Clerk of the Municipality

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" & "C", constitutes Amendment No. 7 to the Official Plan for the Pelham Planning Area.

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 purposed of this Amendment is to update the Official Plan of the Town of Pelham as approved by the Minister of Housing May 23, 1974 and as amended by Official Plan Amendment No.3.

Location

This Amendment consists of 2 parts, that is, it affects both the text and schedules of the Pelham Official Plan.

1. The entire text has been changed throughout by many required policy changes.
2. Schedules "A1" and "A2" have been combined and form a new Schedule "A". Schedules "B" and "C" have been deleted and replaced by new Schedules "B" and "C".

Basis

1. This Official Plan Amendment is based on several significant directives including the
 - Regional Municipality of Niagara Act
 - Regional Niagara Official Plan
 - Ontario Municipal Board decision pertaining to approval of the Regional Niagara Official Plan
 - DPD 1533 pertaining to conformity of local Official Plans with the Regional Niagara Official Planall of which generally speak to conformity of the Pelham Official Plan with the Regional Niagara Official Plan. Together with the conformity issue, a general need to update is evident from a detailed review of the local Official Plan.
2. The various issues which are addressed by this amendment include:
 - urban area boundaries
 - agricultural and rural policies
 - severance policies
 - village residential policies (Fenwick and North Pelham)
 - mineral resource extraction policies
 - hazard land policies
 - parks policies
 - airport policies
 - Niagara Escarpment Commission policies
 - natural resource policies

3. The consultant has met with the Town of Pelham Planning Committee and the Regional Niagara planning staff on several occasions to review and streamline this amendment and the approval process.

Implementation and Interpretation

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

Part B - The Amendment

1. The "Basis" of the Pelham Official Plan is hereby deleted and replaced with the following:-

"Basis"

This Plan is based upon a process of research, supporting studies, approved planning documents and public hearings over the general period of 1971-1981.

With the inception of Regional Government in Niagara in 1970, the former Village of Fonthill and Township of Pelham were amalgamated to form the Town of Pelham. An Official Plan was prepared by the Town and approved by the Minister of Housing in 1974. The Region began preparing a Policy Plan in 1971 which was finally approved in total in February 1981 with a decision of the Ontario Municipal Board revising the Urban Areas Boundaries Maps.

This Plan conforms with the policies of the Regional Niagara Policy Plan as they affect the Town of Pelham, and with the general intent of other special land use controls of the Provincial and Federal agencies regulating the Niagara Escarpment, foodlands, pits and quarries, hazard lands and the Welland Airport.

The Town of Pelham, because of its varied landscape with special tender fruit soils and climate, has traditionally been an area of steady residential and agricultural expansion. It is anticipated that agriculture will continue to be the dominant use of land with the exception of the urban areas and natural forests and slopes of the Niagara Escarpment.

Fonthill comprises the largest central concentration of urban land uses and offers a wide range of commercial and institutional services and facilities. The hamlets of Fenwick and North Pelham provide services and facilities oriented towards the daily needs of the adjacent rural areas.

The Town of Pelham Official Plan is therefore based upon a tradition of long term and comprehensive planning policies which conforms with the Regional planning process to protect the health, safety, convenience and welfare of the present and future inhabitants of the Municipality.

2. The third sentence of section 1.2 page 5 is hereby deleted and replaced with the following:-

Plans of subdivision will generally be required where a new street or extension is necessary to serve the new lot and may be required where 3 or more lots are involved.

3. Section 1.5 page 6 is hereby deleted and replaced with the following:-

"Where a use is not in conformity with this Plan but where it is reasonably in harmony with the adjacent area in the light of the preceding requirements, appropriate additions and enlargements may be made pursuant to the provisions of The Planning Act."

4. Sections 1.9 through 1.12 inclusive are hereby deleted and replaced with the following:-

"Agricultural and Rural Areas

The agricultural and rural areas within the Town of Pelham consist of those areas which are well suited for agricultural purposes and other areas of poorer soils where limited non-farm development may be appropriate.

1.9 Agricultural Area

The Agricultural Area is divided into 2 categories - unique and good general agricultural. The unique agricultural area is made up of good tender fruit lands created by both soil and climatic advantages. The good general agricultural area includes organic soils, areas of class 1 and 2 soils, and the majority of class 3 soils as identified by the Canada Land Inventory Soil Capability for Agriculture.

1.10 Permitted Uses and Policies

1.10.1 The predominant use of land in the Agricultural Area shall be all types of agriculture, which shall include the raising of livestock. Compatible uses such as forestry and conservation shall also be permitted. Residential uses relating to agriculture are also permitted subject to the other policies in this Plan.

1.10.2 Ancillary uses which may be permitted in the Agricultural Area are small scale commercial and industrial uses directly related to and serving the agricultural area, boarding kennels; 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; uses such as public utilities; communication and transportation facilities; including waste disposal sites provided they cannot be located elsewhere.

- 1.10.3 ~~New or expanding livestock operations and non-farm uses shall be separated to minimize environmental conflicts in the agricultural area in accordance with the Minimum Distance Separation Formulas of the Agricultural Code of Practice. ~~MODIFICATION~~ The minimum acceptable separation distance for new dwellings should be the greater of 300 metres or as determined above. ~~NO. 1~~ Exceptions to the minimum acceptable separation distance may be made for existing lots of record existing at the date of passing of the Zoning By-law No. 450(1978).~~
- 1.10.4 Small scale commercial and industrial uses which are directly related to and serve the agricultural community should only locate in the agricultural area if it is not possible to locate in designated hamlets or rural areas. The uses should locate on major roads as identified on Schedule "C" and every effort must be made to minimize any impact on adjacent uses.
- 1.10.5 Established non-conforming uses shall be dealt with as provided for in Section 1.4 and Section 1.5 of this Plan. These uses may be permitted to expand in accordance with the Minimum Distance Separation Formulas of the Agricultural Code of Practice and provided there is no increase in detrimental impact. The uses should be reviewed by the Medical Officer of Health or such other person appointed by the Ministry of the Environment to review the suitability of the development in relation to the provision of a well and private waste disposal system. Similarly new dwellings may be erected on ~~undersize~~ vacant lots in the agricultural area.
- 1.10.6 In the agricultural areas, consents to sever may be permitted only in accordance with the following:-
- 1.10.6.1 The land for which consent is requested is to be added to adjoining lands on which there is an existing farm operation, and the parcel to be retained is large enough to support a viable farm operation; or
- MODIFICATION
NO. 2
UNDER SECTION 14(1) OF THE PLANNING ACT

1.10.6.2 Land severance may be permitted when two or more farms have been amalgamated under one ownership and an existing house which is capable of habitation is considered surplus and is not required as accommodation for farm help employed on the farm, and consent is requested for conveyance of a lot with the surplus house thereon subject to the following condition:-

MODIFICATION
NO. 3
THE PLANNING ACT

- (i) the use of the vacant remnant parcel of farm land for residential purposes should only be permitted based on the merits of each application in consideration of the long term interests of agriculture; or

1.10.6.3 The consent requested is for minor boundary adjustments or easements, complies with other policies of the Plan, and does not create a separate lot for a residential dwelling; or

1.10.6.4 Where the consent is required for a farm-related commercial or industrial use if it is not possible for such a use to locate in designated hamlets, villages, or rural areas. Such a use should be located so the effect on surrounding unique and good general agricultural lands as well as viable farm operations is minimized; or

MODIFICATION
NO. 4
UNDER SECTION 14(1) OF
THE PLANNING ACT

1.10.6.5 Land severances for farm-related residential lots in agricultural areas may be permitted for a residence for a farmer retiring from active working life and selling his farm subject to the following criteria:

- (i) the applicant is a bonafide full-time farmer (for this purpose a full-time farmer will be considered as one who earns 70% or more earned income from farming);
- (ii) the applicant has farmed the subject property continuously since the 20th of December 1973, (the date of adoption of the Official Plan for the Niagara Region); or

MODIFICATION
NO. 5
UNDER SECTION 14(1) OF
THE PLANNING ACT

1.10.6.6 Where the consent is requested to create a farm-related residential lot situated on the same side of the road between two permanent dwellings which are approximately 60 metres apart and are located on lots not exceeding approximately 0.8 hectares in area that existed in separate ownership on June 1, 1978. This policy is only applicable within the good general agricultural area and does not apply within the unique agricultural area.

1.10.7 Proposed farm-related residential lots being considered for a consent under the criteria in subsection 1.10.6 must also meet the following conditions:

- 1.10.7.1 Any new lot is of sufficient size and has suitable soil and site conditions for the installation and long-term operation of a private waste disposal system in compliance with the requirements of the Ministry of the Environment.
- 1.10.7.2 Any new lot has an adequate ground or other water supply, in compliance with the requirements of the Ministry of the Environment.
- 1.10.7.3 Any new lot has sufficient frontage on an existing publicly maintained road.
- 1.10.7.4 Where possible, joint use should be made of the existing road access to the farm operation.

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NO. 6
UNDER SECTION 14(1) OF
THE PLANNING ACT

1.10.7.5 Road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections.

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UNDER SECTION 14(1) OF
THE PLANNING ACT

1.10.8 Additional permanent or portable farm-related residential dwellings will be permitted without severance for full-time farm help, farm-family members working full time on the farm and for retiring farmers.

1.10.9

Uses such as utility facilities, communication and transportation facilities and public uses including waste disposal sites should preferably not be located in unique and good general agricultural area. If such uses cannot be located outside of these areas

they should be located so as to minimize the effects on surrounding unique and good general agricultural lands, viable farm operations, and natural farm drainage.

- 1.10.10 The removal of topsoil from unique and good general agricultural lands is generally discouraged and should be regulated by by-laws passed under The Topsoil Preservation Act, 1977.

- 1.10.11 ~~In considering an amendment to this Plan or to the implementing Zoning By-law involving lands in the vicinity of the Welland-Port Colborne airport due regard shall be had to airport operations. To this end the following restrictions shall apply within the noise exposure forecast controls as shown on Schedule "A" to the Official Plan:-~~

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UNDER SECTION 17(9) OF
THE PLANNING ACT 1982

- 1.10.11.1 No consents for the purpose of erecting new dwellings shall be permitted.

- 1.10.11.2 All new buildings including dwellings on existing lots are permitted subject to the acoustic insulation standards of CMHC.

- 1.10.11.3 All new buildings and structures shall be subject to the height restrictions established from time to time by the Town of Pelham in consultation with the Welland-Port Colborne Airport Commission.

- 1.10.12 Schedule "A" to the Official Plan shall be amended upon the availability of specific and acceptable Noise Exposure Forecast (NEF) information from the Federal Ministry of Transport to reflect changes in ~~aircraft movements and noise~~.

- 1.10.13 The "Natural Resources" ~~policies~~ ^{MODIFICATION} contained herein, including subsections ~~1.4.1 through 1.51~~ ^{1.4.1 through 1.4.18}, shall be considered where applicable within the "Agricultural Area" ~~UNDER SECTION 14(1) OF~~ ^{THE PLANNING ACT}

- 1.10.14 The existing sand and gravel extractive operation, forming part of ~~Lot 8, Concession 7~~ shall be subject to the policies of subsections 1.27 through 1.31 hereof. However, in recognition of the limited

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UNDER SECTION 14(1) OF
THE PLANNING ACT

granular reserve within the area licensed under the Pit and Quarry Control Act, the subject site shall revert to the Agricultural Area policies hereof when the existing licensed area is depleted.

1.11 Rural Area

The Rural Area consists of those lands which have a reduced to limited agricultural capability, that is, the poorer class 3 soils and classes 4 through 7 inclusive according to the Canada Land Inventory Soil Capability for Agriculture. The Rural Area is as delineated on Schedule "A". The Rural Area may be further refined by amendments to this Official Plan.

1.12 Permitted Uses and Policies

- 1.12.1 The predominant use of land in the Rural Area shall be agriculture which shall include the raising of livestock, and for forestry and conservation uses. Certain other uses which do not necessarily relate to agriculture may also be permitted.
- 1.12.2 Ancillary uses that may be permitted in the Rural Area are primarily those commercial and industrial uses which are directly related to and serve agriculture and cannot be located in a hamlet, such as a nursery or farm produce sales outlet, a research station, a farm machinery sales or repair depot, a road maintenance depot, a fertilizer or seed depot, a feed mill or saw mill; uses such as public utilities, communication and transportation facilities, including waste disposal sites provided they cannot be located elsewhere; golf courses, parks, conservation clubs, and other open space and recreational uses and including but not limited to publicly owned recreational uses where the land can still be used in the future for agriculture, and boarding kennels. These uses should locate on major roads as identified on Schedule "C" and every effort must be made to minimize any impact on adjacent uses.
- 1.12.3 New non-farm residential uses are permitted by consent to sever in the Rural Area subject to the following criteria and other relevant requirements of this Official Plan:-

- 1.12.3.1 The proposed development should offer amenities such as landscaping and vegetation.
- 1.12.3.2 The proposal should be designed insofar as is possible to retain desirable natural features and vegetation, if any, and in addition may make provision for the enhancement of the site.
- 1.12.3.3 The development should be at a scale and density suitable to the physical characteristics of the site.
- 1.12.3.4 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.
- 1.12.3.5 The site should not have problems of flooding, erosion, unstable slopes, is not swampy, and does not have organic soils.
MODIFICATION
H 10
NO... REASON 1(1) OF
UNDERSTANDING ACT
- 1.12.3.6 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.
- 1.12.3.7 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.
- 1.12.3.8 Proposed developments must have adequate access, but locations must not jeopardize the operation of the road system by improper or numerous accesses.

- 1.12.3.9 Minimum lot size shall normally be about .4 hectares.
 - 1.12.3.10 The lot is situated between two lots used for residential purposes on the same side of the road and which lots are approximately 60 metres apart.
 - 1.12.4 Other forms of non-agriculture development may locate within the Rural Area either within specific land use designations or by amendment to this Official Plan. Any such amendment must satisfy the following criteria:-
 - 1.12.4.1 Unable to be accommodated in urban areas due to special land requirements;
 - 1.12.4.2 desirable in a rural area;
 - 1.12.4.3 in a location appropriate to its use;
 - 1.12.4.4 compatible with existing and proposed adjacent uses NO MODIFICATION
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UNDER SECTION 14(1) OF
THE PLANNING ACT
 - 1.12.4.5 served by adequate access without interfering with the operation of the regional road system; and
 - 1.12.4.6 grouped within a limited number of locations.
 - 1.12.5 New or expanding livestock operations and all non-farm uses shall be subject to the policies of subsection 1.10.3 hereof.
 - 1.12.6 Established non-conforming uses and existing vacant lots shall be subject to the policies of subsection 1.10.5 hereof.
 - 1.12.7 The "Natural Resources" policies contained herein, including subsections 1.47 through 1.51, shall be considered where applicable within the "Rural Area".
5. "The Village Residential Area" policies page 9 together with sections 1.13 through 1.16 inclusive, are hereby deleted and replaced with the following:-

MODIFICATION
NO. 4/11
UNDER SECTION 1(1) OF
THE PLANNING ACT

Village Residential Areas

The historical settlement areas of Fenwick and North Pelham are designated Village Residential. A portion of the Fenwick area has municipal water and sanitary sewers and a portion has only municipal water. The balance of Fenwick and all of North Pelham rely on private services.

1.13. Permitted Uses

1.13.1 The predominant use of land in this category shall be single-family dwellings. A limited number of multiple family dwellings which may also include senior citizen accommodations, may also be permitted on full services.

1.13.2 Ancillary uses which shall also be permitted in the Village Residential designation are institutional uses, parks, schools, community facilities, and public utility uses.

1.14 Development within the Village Residential designation shall comply with the policies of the following subsections:-

1.14.1 All Village Residential development shall consist of larger than average lots to maintain a village atmosphere as opposed to typical small lot urban residential development. To this end the minimum lot size of full service lots shall be approximately 830 square metres. The minimum lot size of lots with private sewage facilities shall be approximately 3700 square metres.

1.14.2 Where the Village Residential boundary is close to an existing livestock operation new Village Residential development must maintain the minimum distance separation as determined from the Agricultural Code of Practice.

1.14.3 New development will be permitted by plan of subdivision or by consent which shall be in accordance with secondary plan(s) approved from time to time by Council. The need for a secondary plan in certain infilling situations may be waived at the discretion of Council based on the merits of each application.

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NO. 4/12
UNDER SECTION 1(1) OF
THE PLANNING ACT

- 1.14.4 New development shall be in accordance with the provisions of the Zoning By-law and with the requirements of the Niagara Regional Health Unit.

1.15 Fenwick

- 1.15.1 Full municipal services, including sanitary sewers and water are available in the Fenwick core area to service existing development in the Church Street, Maple Street, Canboro Road, Welland Avenue and Balfour Street area. The development of approximately 220 additional lots shall be permitted in this general area on full services.
- 1.15.2 Development of the balance of the Village Residential area shall rely on private sewage disposal systems. Municipal water may be available within a portion of the area beyond the sewer area.
- 1.15.3 The population of Fenwick should range from 1100 to 1400 people by 2001.
- 1.15.4 Permitted multiple family development in the form of walkup apartments not exceeding 3 storeys shall not exceed 25 dwelling units per hectare, shall be by specific amendment to the Zoning By-law, and shall be subject to the provisions of subsection 1.19.2.

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NO. 13
UNDER SECTION 14(1) OF
THE PLANNING ACT

1.16 North Pelham

- 1.16.1 The North Pelham Village Residential area may develop as a separate and distinct settlement area apart from Fenwick and Fontheill.
- 1.16.2 The population of North Pelham is expected to range between 250 and 300 by 2001."

- 6. The paragraph preceding Section 1.17 page 11, is hereby deleted and replaced with the following:-

"The Urban Residential Area

All of the residential lands contained within the Fontheill urban area boundary as established by the Regional Niagara

Policy Plan are designated Urban Residential. Permitted uses and policies are as follows:-"

7. Section 1.19 page 11 is hereby deleted and replaced with the following:-

"Permitted multiple-family residences and apartments which may also include senior citizen accommodations, shall only be developed by site specific amendment to the Zoning By-law.

- 1.19.1 The density shall range from 30 to 65 dwelling units per hectare. No apartments shall be permitted beyond 65 units per hectare except by amendment to this Plan. The maximum height of an apartment building shall be 5 storeys.
- 1.19.2 Council shall consider the following factors when reviewing and considering an application for multiple-family residential or apartment development:-
- type of development proposed for the site
 - nature and extent of existing land uses within the general area of the site
 - adequacy of available municipal services
 - total extent of the site
 - provision of on-site amenities
 - impact of traffic and parking on adjacent single-family areas
 - adequacy of landscaping and buffering provisions
 - adequacy of schools, parks and neighbourhood commercial facilities."

8. The paragraph preceding Section 1.24 page 13 is hereby deleted and replaced with the following:-

"Industrial Areas

Two industrial areas are designated for the period covered by this Plan. The area in Fontheil is located east of Station Street on Highway 20 and consists of an existing industrial and related commercial facilities on full municipal services. An area suitable for dry industrial purposes is located on Webber Road north of the airport."

9. The following policy is hereby added to the Industrial Areas policy after Section 1.26:

- "1.26A The policies of Sections 1.10.7 and 1.10.8 shall apply to lands designated "Industrial" in the vicinity of the airport except that no new accessory dwellings shall be permitted within established NEF contours."
10. The title of the "Resource Extraction Area" policies, page 13, is hereby amended to read "Mineral Resource Extraction Area", the reference to "Resource Extraction Area" within subsection 1.27 is similarly changed and subsection 1.30 is hereby deleted and replaced with the following:-
- "1.30 Applications for licenses to open new pits or redesignate areas in this Official Plan to permit extractive activities on the Fonthill Kame-delta will not be approved until the following has been completed.
- 1.30.1 A study of alternate sources in the Region, including but not limited to manufactured sand, submarine sources and land based sources. Such study will also evaluate the environmental and economic impact of these sources.
- 1.30.2 A study of the viability of "high level" (restored land form) agricultural (tender fruit) rehabilitation on the kame - should the alternate source study demonstrate that alternative sources cannot replace the Fonthill Kame-delta deposit.
- 1.30.3 A secondary plan to co-ordinate and direct land use activities on the kame - should the alternate source study demonstrate that alternative sources cannot replace the Fonthill Kame-delta deposit.
- 1.31 The alternate source study and "high level" agricultural rehabilitation study will be carried out through the Provincial/Town of Pelham Aggregate and Agricultural Resource Committee as convened by the Ministry of Municipal Affairs and Housing.
- 1.32 Policy 1.30 shall not apply to the Telephone City Gravel application to redesignate lands comprising 25± hectares east of and adjacent to their existing pit from Possible Mineral Resource Extraction to Mineral Resource Extraction.

- 1.33 All Mineral Resource Extraction operations within the Pit and Quarry Restrictive Area of the Niagara Escarpment Proposed Plan, and as shown on Schedule "A", shall be subject to the appropriate Escarpment Natural Area and Escarpment Protection Area policies."
11. The land use policies of the Pelham Official Plan are hereby amended by the addition of the following new subsection after the Mineral Resource Extraction policies:
- "Rural Commercial
- 1.34 Several Rural Commercial areas are located throughout the municipality including sites in North Pelham, Ridgeville, Pelham Centre and 2 locations along Highway 20.
- 1.34.1 Uses permitted within Rural Commercial areas shall generally be restricted to small scale commercial and industrial uses which serve the surrounding agricultural area and may include automobile service stations and restaurants.
- 1.34.2 All permitted uses shall be suitable regulated by the Zoning By-law, shall meet the requirements of the Ministry of the Environment pertaining to private waste disposal systems, and shall be located in accordance with the separation requirements of the Agricultural Code of Practice."
12. The policies entitled Open Space Area, page 14, being subsections 1.3 through 1.33, are hereby deleted and replaced with the following subsections 1.35 and 1.36:-
- "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 The major uses permitted in the Open Space designation are forestry, agriculture, conservation uses, public and private parks and recreational uses including golf courses.
- 1.36 All open space uses shall be governed by the appropriate regulations of the Zoning By-law, including setback and parking provisions."

13. The Hazard Land policy, page 15, being subsections 1.36 through 1.37, is hereby deleted and replaced with the following subsections 1.37 and 1.38:-

"Hazard Land

1.37 Definition

- 1.37.1 Hazard Land is defined as all lands having inherent environmental hazards, such as flood susceptibility or any other physical condition which is severe enough to cause property damage and/or potential loss of life if those lands were to be developed upon.
- 1.37.2 The delineation of Hazard Land on Schedule "A" is based upon Ministry of Natural Resources hazard land mapping and Niagara Peninsula Conservation Authority floodline mapping of the Draper Creek and Coyle Creek.
- 1.37.3 The uses permitted shall be limited to agriculture, conservation, forestry, wild-life management areas, and non-structural types of development associated with public or private parks, golf courses and other recreational uses. Structural types of development may be permitted with the written permission of the Niagara Peninsula Conservation Authority.

1.38 Policies

- 1.38.1 In the absence of more detailed hazard land mapping, the boundaries of the lands designated as Hazard Land on Schedule "A" shall be used as guides for the preparation of the zoning by-law provisions which will implement the policies of this section. An amendment to this plan will not be required for changes to the Hazard Land boundaries, which are deemed to be suitable by Council after consultation with the Niagara Peninsula Conservation Authority and/or the Ministry of Natural Resources. Where such changes occur, the appropriate

abutting land use designation shall apply and the zoning by-law shall be amended accordingly. Council shall amend the official plan and the implementing zoning by-law to incorporate more detailed hazard land mapping when it becomes available.

- 1.38.2 No buildings or structures shall be permitted in areas designated as Hazard Land except where such are intended for flood or erosion control or are normally associated with the watercourse protection works or bank stabilization projects and are approved by the Council in consultation with the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources.
- 1.38.3 Where new development is proposed in an area, part of which is in the Hazard Land designation, then such lands may or may not be acceptable as part of the dedication for park purposes as required by The Planning Act. All lands dedicated to the municipality shall be conveyed in a physical condition satisfactory to the municipality. When an open watercourse is involved, adequate space shall be provided for maintenance operations.
- 1.38.4 Building setbacks will be imposed from the margins of the Hazard Land designation in relation to the severity of the existing and potential environmental hazards by Council in consultation with the Niagara Peninsula Conservation Authority.
- 1.38.5 As provided in Section 1.38.1 an amendment to the official plan is not required for changes to areas designated as Hazard Land, as long as the changes are deemed to be suitable to Council after consultation with the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources. Requests for changes will be given consideration after taking into account:
 - 1.38.5.1 the existing environmental hazards;
 - 1.38.5.2 the potential impacts of these environmental hazards;

- 1.38.5.3 the proposed methods by which economic, social and environmental impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices needed to overcome these impacts.

There is no public obligation, however, either to change the delineation of or to purchase any area shown as Hazard Land, particularly if the environmental hazard would be difficult or costly to overcome.

- 1.38.6 Hazard Land shall be zoned in a separate classification in the implementing restricted area by-law(s). Copies of all by-laws dealing with or affecting areas designated as Hazard Land will be sent to the Conservation Authority and the Ministry of Natural Resources.
- 1.38.7 Notwithstanding the provisions of this plan pertaining to existing uses, the Municipal Council and Committee of Adjustment shall discourage the expansion of any existing non-conforming uses in areas designated as Hazard Land. However, in certain circumstances the rebuilding or replacement of non-conforming uses may be permitted subject to the approval of the Niagara Peninsula Conservation Authority.
- 1.38.8 The maintenance of existing woodlots and vegetation associated with watercourses, as well as the re-establishment of vegetation shall be encouraged with particular emphasis on headwater and feeder areas for streams and rivers.

Further clearing may only be considered where it is demonstrated to the Council, the Niagara Peninsula Conservation Authority and Ministry of Natural Resources that such clearing will not lead to an increase in erosion and/or deterioration in water quality.

It is the policy of the municipality to co-operate with the Ministry of Natural Resources in the protection of fisheries and wildlife

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populations in the municipality. Specifically the Twelve Mile Creek has been identified as a cold water stream. Buffer zones and strict control of any soil, vegetation or stream disturbances will be considered for any proposals which may potentially disrupt natural conditions on these areas.

- 1.38.9 The "Natural Resources" policies contained herein, including subsections 1.47 through 1.51, shall be considered where applicable within the "Hazard Land" area."

14. ~~The following "Welland River Floodway" and "Welland River Floodfringe" policies are hereby added as new policies 1.39 and 1.40 respectively:-~~

"1.39 Welland River Floodway

The Floodway designation on Schedule "A" identifies all of the area below the 1:100 year floodline in which destructive flooding of the Welland River is possible.

- 1.39.1 Permitted uses within the Floodway designation include agriculture, outdoor recreation, open space, forestry, uses which assist in the conservation or management of water supplies, wildlife or other natural features, uses pertaining to public utilities such as transmission lines, and pipelines, if adequately flood-proofed, and

buildings and structures necessary for flood and/or erosion control.

- 1.39.2 In cases where some doubt exists as to whether or not a particular parcel of land is within the floodway designation as shown on schedule A, verification will be through consultation with the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority. If these agencies verify the parcel of land is not within the floodway designation, then an amendment to this plan will not be necessary.

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- 1.39.3 ~~An amendment to this Plan will not be~~ required for minor changes to the floodway boundaries which are deemed to be suitable by Council, the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority. Where such changes occur, the appropriate abutting land use designation shall apply and the zoning by-law shall be amended accordingly.

In considering requests for changes Council shall have regard for:

- 1.39.3.1 the existing environmental hazards,
- 1.39.3.2 the potential impacts of these environmental hazards,
- 1.39.3.3 the proposed methods by which impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices, and
- 1.39.3.4 the costs and benefits expressed in economic, social and environmental terms of any engineering works and/or resource management practices needed to overcome these impacts.

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- 1.39.4 The replacement of existing buildings and structures in the floodway designation may be permitted provided that the hazard can be overcome by means acceptable to the Niagara Peninsula Conservation Authority. An engineering report, if required by the conservation authority, shall be prepared for the conservation authority and paid for by the applicant, which addresses the above items 1.39.3.1 to 1.39.3.4.

- 1.39.5 All new buildings and structures are prohibited in the floodway except where such buildings or structures are intended for flood or erosion control or are normally associated with the floodplain or unstable conditions and are approved by the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources or where permitted in other policies of this section.

- 1.39.6 ~~The major expansion of any existing non-~~
conforming use in the floodway designation
shall be discouraged.
- 1.39.7 All lands designated as floodway on Schedule
"A" shall be zoned "hazard" or "floodway"
in an implementing zoning by-law.
- 1.39.8 Implementation of policies 1.39.1 to
1.39.7 above, will be through the zoning
by-law.
- 1.39.9 There is no public obligation to redesign-
ate or to purchase any area designated
floodway."

"1.40 Welland River Floodfringe

The area on Schedule "A" designated "Floodfringe" shall be considered as an overlay of the underlying land use designation. The Floodfringe designation recognizes areas where in the case of a regional storm, floodwaters would be a maximum depth of .46 metres and a maximum velocity of .46 metres per second or in the area between the regional storm line and 1:100 year storm line. Council recognizes existing development within the Floodfringe is a viable part of the existing community and that re-development and reconstruction of existing development is desirable subject to the following policies:-

- 1.40.1 All new buildings and extensions or
replacement of existing buildings should
be floodproofed to the regional storm
level. Agricultural buildings and
accessory buildings may be exempt from
this floodproofing requirement.
- 1.40.2 Flood damage reduction measures shall be
incorporated in the design of all new,
enlarged or reconstructed buildings
subject to subsection 1.40.1 hereof, and
shall be subject to the approval of the
Town of Pelham and the Niagara Peninsula
Conservation Authority.

1.40.3 ~~All residential buildings shall be flood-~~
proofed to an elevation of 0.3 metres
above the regional storm line."

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1.40.4 All buildings and structures existing
as of the date of adoption of this plan
which lie in the area shown as flood-
fringe shall generally be zoned as
permitted uses in an implementing zoning
by-law.

1.40.5 Minor additions and expansions, accessory
uses and repairs to existing uses may be
permitted without floodproofing measures
in the area shown as floodfringe after
consultation with the Niagara Peninsula
Conservation Authority.

1.40.6 The replacement of or major extensions to
a building or structure existing in an
area shown as floodfringe, subject to
subsection 1.40.1 hereof, shall be required
to comply with the floodproofing requirements
of the Niagara Peninsula Conservation
Authority.

1.40.7 There is no public obligation to redesignate
or to purchase any area within the flood-
fringe."

15. The following policies hereby replace sections 1.38, 1.39
and 1.40 page 17 of the Official Plan:-

1.41 Niagara Escarpment Proposed Plan Area

The Niagara Escarpment Proposed Plan covers the north-
east corner of the Town of Pelham, primarily the
"Short Hills" area, the Twelve Mile Creek Valley and
a portion of the Fonthill Kame-Delta. The area covered
by the Proposed Plan is shown on Schedule "A".

The policies of the Niagara Escarpment Plan, when
approved, will take precedence over the Pelham Official

Plan in the area of the Escarpment Plan. Upon approval, an amendment to the Official Plan may be required in the case of conflict with the Escarpment Plan. However, any policies in the Pelham Official Plan that are more restrictive than in the Niagara Escarpment Plan will not be considered to be in conflict and shall apply as well within the area of the Niagara Escarpment Plan.

In the interim, pending approval of the Proposed Plan, a development permit is required from the Niagara Escarpment Commission for most proposals within the Interim Development Control Area.

16. The following policies are hereby added following Section 1.41:-

"Welland-Port Colborne Airport

~~This area is comprised of the lands under the jurisdiction of the Welland-Port Colborne Airport Commission being part of Lots 7, 8, and 9, Concession 14.~~

- 1.42 The major uses permitted within this designation shall be limited to the airport as existing or enlarged within the existing property limits and uses normally accessory or subordinate to the operation of an airport.

- 1.43 Ancillary uses that may be permitted subject to an amendment to the Zoning By-law include airport related industrial and commercial uses.

1.44 Policies

- 1.44.1 The General policy is to provide for the maintenance and growth of the airport within the existing airport boundaries. Expansion of the airport beyond the present limits of the airport lands shall be by amendment to this Plan.

- 1.44.2 Regulations for the permitted accessory or subordinate uses shall be set forth in the Zoning By-law. Regard shall be had for the protection of existing uses in close proximity to the airport. Provisions will include adequate setback from property lines, landscaping and buffering, parking and loading facilities, prohibition of nuisances and

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~~control of outside storage. The policy of clause 1.44.4 hereof shall also apply.~~

1.44.3 The ancillary uses, which require an amendment to the Zoning By-law may only be permitted when the following information has been provided to the satisfaction of Council and subject to the policy of clause 1.44.4 hereof:-

1.44.3.1 Need for proposed use.

1.44.3.2 Extent of existing like development in the Municipality.

1.44.3.3 Suitability of the site with respect to environmental and/or physical hazards.

1.44.3.4 Site accessibility.

1.44.3.5 Proposed servicing.

1.44.3.6 Compatibility with and effect on surrounding land uses.

1.44.3.7 Effect on the financial position of the Municipality.

1.44.4 All proposed uses of land within this designation shall be subject to a site plan agreement with the Municipality.

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17. The following Environmental Constraint Area policies are hereby added as subsections 1.45 and 1.46:-

"Environmental Constraint Area

1.45 The Environmental Constraint Area identifies areas which are known solid waste disposal sites and the area of influence of these sites.

1.46 Policies

1.46.1 In the Environmental Constraint Area on Schedule "A", the construction of buildings, structures, and hard surface paving will only be permitted subject to the following policies and in accordance with the underlying land use designation.

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1.46.1.1 written approval has been received from the Ministry of the Environment that the development satisfies the provisions of The Environmental Protection Act.

1.46.1.2 studies have been carried out to the satisfaction of the Town and the

~~Ministry~~ of the Environment, and
such studies shall indicate that
development can safely take place.

1.46.1.3 the studies shall be carried out
by a qualified engineer.

1.46.2 Under no circumstances will residences be
permitted on the area of land which was
used for waste disposal.

1.46.3 These areas shall be zoned in a separate
category in the Town's zoning by-law."

18. The following new section is hereby added after section 1.46:-

"Natural Resources

Much of what makes the Niagara Region and Pelham a distinctive
and attractive place in which to live and work is the quality
and extent of its natural resources.

The Niagara Escarpment, the Short Hills, the Lake Erie and
Lake Ontario shorelines, the major river and stream valleys,
the Niagara River and the Welland Canal lands are the primary
areas for the provision of recreational, open space and
park areas in the Region. These areas form an inter-linking
network of corridors which must be protected to meet the needs
of the Region's valuable tourist industry, the increasing
desire of residents for recreational and scenic areas and also
as a continuing and irreplaceable natural heritage.

The various marshes, forested areas, lakes, rivers and other
dispersed locations of valuable or endangered plant and animal
life provide a necessary link in the maintenance of natural
systems, a living laboratory for study and research and an
important source of sport and recreational activities. There
is a special urgency to protect these areas since they repre-
sent a particularly fragile and, in many cases, a rapidly
disappearing natural resource.

The role of the Town of Pelham is to maintain and preserve
these natural resources throughout the municipality. Natural
resource areas are particularly susceptible to development
pressures and therefore the affects of development applications
on natural resources must be given careful consideration.

1.47 Wildlife

1.47.1 Wildlife habitat diversity across Niagara
and Pelham is fairly constant outside of
urban and built-up areas. In addition to
many bird species, substantial populations

of cottontail, European hare and raccoon have been reported. Short Hills Park, identified on Schedule "A" and Schedule "B" hereto, offers a number of natural appreciation opportunities for viewing these species.

- 1.47.2 The Council encourages and supports the management and protection of wildlife resources in conjunction with policies of the Ministry of Natural Resources and all relevant provincial statutes including the Game and Fish Act, the Environmental Protection Act, and the Environmental Assessment Act. Development which could potentially limit access to wildlife or adversely affect wildlife or wildlife habitat should be discouraged.

1.48 Fisheries

- 1.48.1 Council recognizes the importance and value of fishery resources within the municipality. High quality fish habitat provides significant benefits to the community in the form of valuable recreational opportunities; income generated through tourism; heritage benefits; and as useful indicators of the health of the natural environment. Council shall encourage development in a manner that minimizes, if not eliminates, any adverse effects on fish habitat essential to the maintenance of healthy fish populations.
- 1.48.2 Twelve Mile Creek and the adjacent valley lands are defined as "significant fishery habitat" on Schedule "B" in recognition of their status as the only stream habitat in the Regional Municipality of Niagara capable of supporting native cold water fish species.
- 1.48.3 Applications to amend the official plan and/or zoning by-law, or to receive approval of subdivision on lands occurring on or adjacent to Twelve Mile Creek, shall be reviewed by Council in consultation with the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority and consider the following matters:

- 1.48.3.1 the effect the proposal will have on the fish habitat
- 1.48.3.2 methods by which any negative impacts on the fish habitat can be reduced
- 1.48.3.3 studies, special engineering works or special design considerations that may be required.

Where deemed necessary, Council may require special studies, engineering works and development controls to ensure that the development will not adversely affect the ability of the fish habitat to sustain healthy fish populations.

- 1.48.4 Council shall encourage and, whenever possible, support the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority in their efforts to maintain or, where required, improve the quality of the Twelve Mile Creek, carried out in accordance with the federal Fisheries Act, the provincial Game and Fish Act, and the Lakes and Rivers Improvement Act.

Council shall encourage landowners to consult with the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority, prior to commencing works of any kind on or adjacent to lands defined as significant fishery habitat, to determine means by which adverse effects on the fish habitat may be eliminated or minimized.

- 1.48.5 Prior to commencing or funding any public work, such as a municipal road and drainage work, on or adjacent to the Twelve Mile Creek, Council shall consult with the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority to determine what design requirements are necessary to eliminate or mitigate any adverse effects on the fishery habitat.

1.49 Forestry

- 1.49.1 Approximately 1620 hectares of land with woodlots two hectares or greater in size exist in Pelham and are identified on Schedule "B". 40 hectares of plantation and 82 hectares of woodlot are managed by the Ministry of Natural Resources in co-operation with private landowners.
- 1.49.2 Council, in recognition of the forest resources identified on Schedule "B", encourages sound forest management practices in conjunction with the policies of the Ministry of Natural Resources. This may include special consideration of the forest resources in agricultural areas, hazard and flood prone areas and along the Niagara Escarpment. Council also recognizes and supports the Regional Municipality of Niagara tree cutting by-law #2744-81 as amended from time to time, as an important forest management tool.
- 1.49.3 The Zoning By-law shall include policies which permit forestry uses in all rural, agricultural, and hazard areas and which prohibit exhaustive removal of prime forest areas.
- 1.49.4 Prior to amending the Official Plan or the Zoning By-law to permit any development of lands near to or including an identified forest resource, the impact of the forest resources must be examined keeping in mind their value and importance to the Town of Pelham. This will include the review of subject development applications by the Ministry of Natural Resources.

1.50 Short Hills Provincial Park

- 1.50.1 Short Hills Provincial Park Reserve is a 617 hectare area proposed to be managed as a natural environment park. Significant natural features will be protected and conserved through three resource management zones: development, hinterland and natural. Recreational activities are to be passive, with public motor vehicles kept to the periphery. Currently the area is used for walking, hiking, horseback riding,

orienteering, snowmobiling and cross-country skiing. Management activities are limited to trail and fence maintenance.

This Official Plan includes Short Hills within the "Open Space" designation which allows operation and maintenance activities. Compatible designations for adjacent areas are encouraged. The development of comprehensive municipal recreation plans and the inclusion of recreation areas in urban development proposals is encouraged. Park acquisition and development by municipalities is supported by the Ministry of Natural Resources through the Parks Assistance Act.

- 1.50.2 Provincial Parks and Candidate Provincial Parks defined on Land Use Schedule "A" and Schedule "B" as Open Space are under provincial jurisdiction. Notwithstanding Sections 1.35 and 1.36 above, permitted uses and activities on these lands shall be defined under the Provincial Parks Act and regulations thereto, and other applicable statutes and regulations.
- 1.50.3 Whenever development of any kind is proposed on or adjacent to a provincial park or candidate provincial park, Council shall consult with the Ministry of Natural Resources to determine if:
- a) The Ministry has any concerns respecting the effect of the development on provincially owned lands;
 - b) any special development controls are required to eliminate any adverse effects on the provincially owned lands.

Where deemed necessary, Council may require special studies, engineering works, and development controls to ensure that the development will not adversely affect Ministry interests on the provincially owned lands.

- 1.50.4 Provincial Parks and Candidate Provincial Parks shall be identified in the comprehensive zoning by-law as areas under provincial jurisdiction, exempt from municipal zoning controls.

1.51 Candidate Nature Reserves

1.51.1 Candidate Nature Reserves include those areas identified on Schedule "B" hereto as fragile and/or non-renewable natural resource areas such as natural environment, biological and geological areas. As fragile and/or non-renewable natural resources areas, these areas must be protected and preserved for future inhabitants of Pelham and the Niagara Region.

1.51.2 Of particular significance in the Town of Pelham is the Fonthill kame-delta geological formation. As can be determined from Schedule "A" and Schedule "B" hereto, and other policies of this Plan, preservation of this formation is in direct conflict with the "Mineral Resource Extraction" designation and the desires of the sand and gravel industry. Keeping this conflict in mind, Council is desirous of preserving the kame-delta as far as is possible by encouraging the development of alternate sources of sand and gravel and the rehabilitation of existing pits to agricultural uses.

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19. The following is hereby added after subsection 2.12.3, page 23:-

"2.12.4 In the case of new development in Village Residential areas which are primarily served by overhead wires, Council may dispense with the preceding underground wiring requirement."

20. The first sentence of Section 2.14 page 24 is hereby amended to read as follows:-

"The proposed reconstruction of Highway 20 through Fonthill will minimize much of the traffic congestion that has plagued the core area for many years."

21. The following section is hereby added after Section 2.14, page 24:-

"Housing Requirements

2.15 It will be the general intent of this plan to provide an appropriate number and variety of dwellings to satisfy the requirements of the existing and future residents of the Town of Pelham. To further this objective, the plan sets out the following policies:

2.16 Policies

- 2.16.1 The rate of residential development permitted in the Town shall be commensurate with the financial and servicing capabilities of the Town.
- 2.16.2 The Town shall consult senior levels of government to encourage the provision of housing necessary for existing and future residents.
- 2.16.3 The Town shall support policies and programs which will improve the choice of accommodation for families of moderate income in Pelham.
- 2.16.4 The Town shall incorporate a municipal non-profit housing corporation to provide senior citizen accommodation required to meet identified needs.
- 2.16.5 The Town shall prepare and update an Annual Housing Statement consistent with the housing policies contained in this plan."

22. The following new section is hereby added after Section 2.16:-

"Site Plan Control

The Council shall implement the site plan control procedure pursuant to Section 40 of The Planning Act R.S.O. 1980. This procedure permits strict control of site plan details beyond the normal requirement of the Zoning By-law and is particularly useful in controlling commercial, industrial and multiple-family residential growth."

23. Section 3 and Schedule "B" of the Official Plan are hereby deleted and replaced with the following:-

"Section 3 Schools and Parks

The policies of this Plan are designed to direct the majority of the projected growth in population to Fonthill and Fenwick, and to a lesser extent, North Pelham. The intent of the Plan is to provide for the development of schools and parks to serve these residential centres as

conveniently as possible. School and park requirements of the rural area are generally provided within the aforementioned urban or village areas.

Schools

- 3.1 Schools and facilities within the municipality are the responsibility of the respective public and separate Boards of Education. Council will co-operate with the Boards of Education as may be required from time to time pertaining to matters of mutual concern.
- 3.2 Joint use of school facilities shall be encouraged including playground, auditorium, library, gymnasium and other facilities which have been provided at public expense.

Parks

- 3.3 Parkland in the municipality shall be provided based on a range of 2 to 4 hectares per 1,000 population. This will include parkland provided by the local municipality as well as the Niagara Peninsula Conservation Authority and the Province of Ontario.
- 3.4 Existing parks and facilities fill a majority of the municipal park requirements, for example, Fonthill Park, Pelham Arena, Harold Black Park and Centennial Park. The acquisition of a neighbourhood park is recommended for North Pelham.
- 3.5 Local parks or tot lots should be provided in all residential areas of 10 or more dwelling units per hectare in accordance with the following criteria:
 - 3.5.1 The minimum size of each local park or tot lot should be 0.5 hectare.
 - 3.5.2 Local parks or tot lots should be within convenient walking distance of the area to be served.
 - 3.5.3 Local parks or tot lots should be provided at a rate of 0.5 hectare per 120 dwelling units.
- 3.6 All parks within a built-up area should be interconnected by a walkway system whenever possible.

3.7 As a condition of development or redevelopment of land Council shall require parkland dedication not exceeding 5% of the land being developed or redeveloped or, alternately, 1 hectare per 300 dwelling units pursuant to Section 41 of The Planning Act ~~R.S.O. 1980~~. Council may accept cash in lieu of land conveyance subject to Sections ~~36(8)~~ and 41(6) of The Planning Act.

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UNDER SECTION 14(1) OF
THE PLANNING ACT

3.8 The Council shall develop parks in conjunction with school sites whenever possible. Joint use agreements between Council and local Boards of Education shall be encouraged to maximize the use of recreational facilities.

3.9 Parks shall be developed in accordance with all secondary plan and/or Recreation Master Plan requirements of the municipality."

24. Sections 4.3, 4.4, and 4.5 of the Official Plan are hereby deleted.

25. Section 4.6, page 28, is hereby deleted and replace with the following:-

"The Fonthill urban area and parts of Fenwick are served by the municipal sanitary sewer system. Sanitary sewers have been recently installed in Fenwick to resolve previous pollution problems. New growth in Fenwick will be limited to large lot development to maintain the village atmosphere either on an infilling basis or by plan of subdivision."

26. Section 4.9 of the Official Plan is hereby deleted.

27. Section 4.10, page 28, is hereby deleted and replaced with the following:-

"Municipal watermains shall primarily serve those areas within the Town of Pelham which are either presently serviced or are designated for development within the plan period. In no case shall municipal watermains be extended in contravention of the policies of the Regional Niagara Policy Plan."

28. Section 4.14, page 29, is hereby deleted and replaced with the following:-

"The existing sanitary sewage disposal system is designed to accommodate all anticipated urban growth within the Plan period. Further extensions of the system beyond the urban area boundary of this Plan which shall include Fonthill and the Fenwick Village residential designation will require an amendment to this Plan."

29. Section 4.16, page 29, is hereby deleted and replaced with the following:-

"4.16 Garbage from the Town of Pelham is currently disposed of elsewhere in the Niagara Region. It shall be a policy of this plan that any new waste disposal sites developed in Pelham shall:-

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UNDER SECTION 14(1) OF
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4.16.1 Be located only within the Agricultural or Rural area, preferably on a site of poor agricultural capability or a ~~depleted Extractive Industrial area.~~

4.16.2 ~~Be suitably removed from all urban and village areas and individual residential uses.~~

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4.16.3 Be adequately buffered and landscaped from all roads and adjoining uses of land.

4.16.4 Be located where soil and ground water conditions are such as to prevent pollution.

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NO. 19
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THE PLANNING ACT

4.16.5 Be subject to the approval of an amendment to the Zoning By-law and the approval of the Region and the Ministry of the Environment."

30. The following new policy is hereby added after Section 4.16, page 29:-

Residential Subdivision Development Policy

4.17 All residential subdivision development in the Town of Pelham shall be in accordance with the current residential subdivision development policy as established by Council.

4.18 Council shall review the residential subdivision development policy annually and revise standards as may be deemed necessary.

MODIFICATION
NO. 20
UNDER SECTION 14(1) OF
THE PLANNING ACT

31. The first sentence of Section 5.2, page 31, is hereby amended to read as follows:-

"The Zoning By-law of the Town of Pelham will be revised and amended accordingly subsequent to the approval of these revised official plan policies."

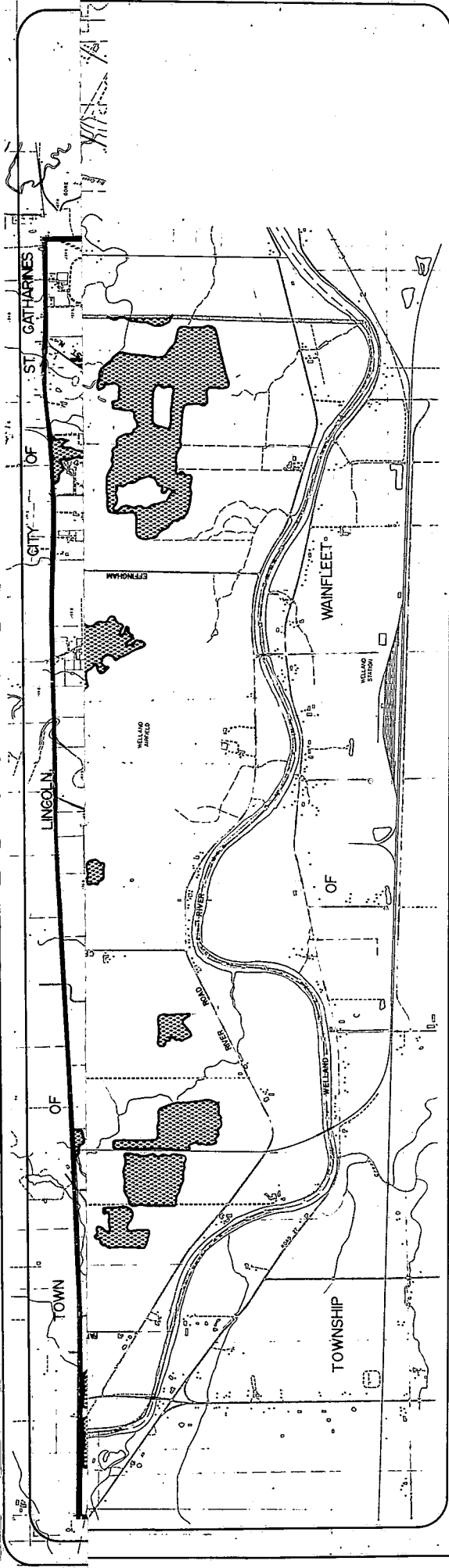
MODIFICATION
NO. **#22**
UNDER SECTION 14(1) OF
THE PLANNING ACT

32. The first sentence of Section ~~5.4~~, page 32, is hereby amended to read as follows:-

MODIFICATION
NO. **#21**
UNDER SECTION 1.
THE PLANNING ACT

"It is the intent of this Plan that the next general review shall be undertaken no later than 1988."

33. Schedules "A1" and "A2" are hereby deleted and replaced with a new Schedule "A" attached hereto.
34. Schedule "B" is hereby deleted and replaced by a new Schedule "B", Natural Resources Plan, attached hereto.
35. Schedule "C" is hereby deleted and replaced by a new Schedule "C", Public Works Plan, attached hereto.



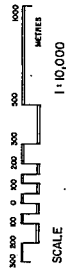
SCHEDULE "B"

Official Plan

OF THE

Pelham Planning Area

Regional Municipality of Niagara

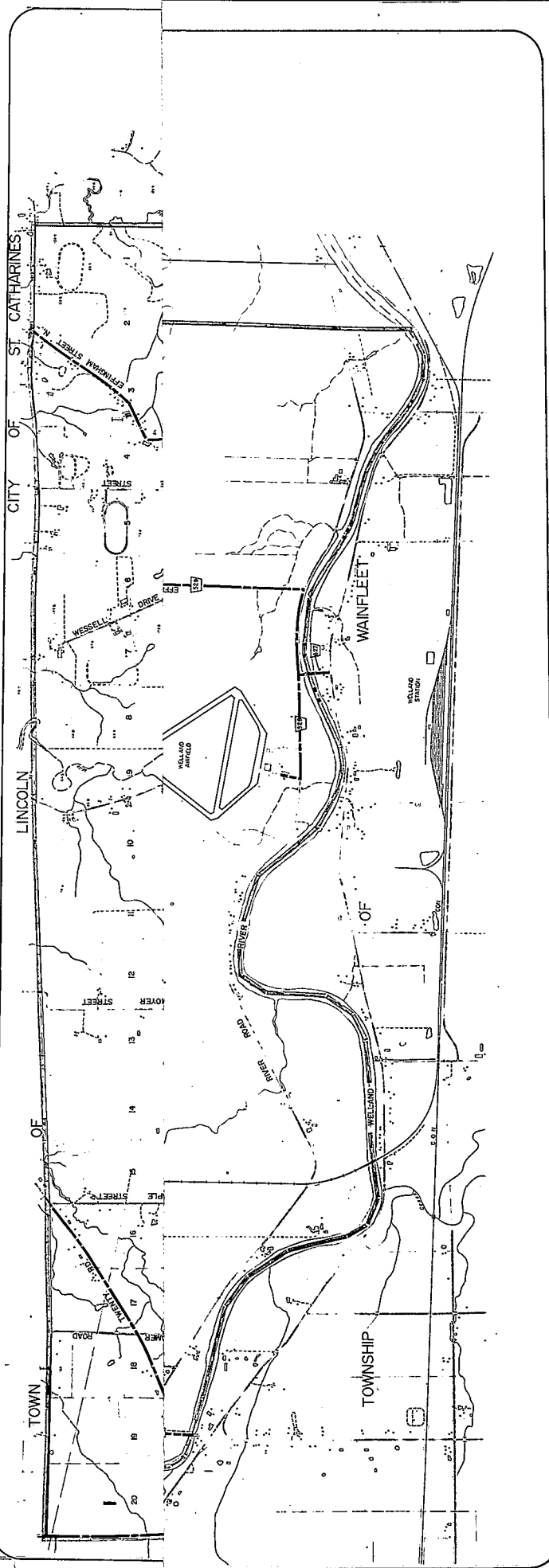


Legend

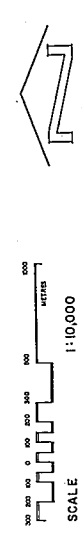
- UPPER TWELVE MILE CREEK - FISHERY AREA
FOREST AREAS
SHORT HILLS PROVINCIAL PARK
CANDIDATE NATURE RESERVES
FONTHILL KAME - DELTA
NATURAL ENVIRONMENT AREA
(Short Hills Provincial Park)

NOTE : THIS SCHEDULE FORMS PART OF THE OFFICIAL PLAN OF THE PELHAM PLANNING AREA AND MUST BE READ IN CONJUNCTION WITH THE TEXT.

MO MILLER ODELL & PAUL
URBAN AND RURAL PLANNING CONSULTANTS INC.
LANSING MI 48226-1718



SCHEDULE "C" **Official Plan** **OF THE** **Pelham** **Planning Area** **Regional Municipality of Niagara**



- PUBLIC WORKS**
- LEGEND**
- PROVINCIAL HIGHWAY
 - REGIONAL ROADS
 - TOWNSHIP ROADS
 - RAILWAYS
 - REGIONAL TRUNK SEWERS
 - FORCEMAINS
 - WATER TRUNKS

NOTE : THIS SCHEDULE FORMS PART OF THE OFFICIAL PLAN OF THE PELHAM PLANNING AREA AND MUST BE READ IN CONJUNCTION WITH THE TEXT.

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