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## THE STRUCTURE OF THE PLAN

This Official Plan is divided into five parts, each of which is described below.

**PART A (Vision, Goals and Strategic Objectives and Land Use Concept)** contains the vision of the Town. This vision was prepared by Council and is based on an understanding of past and future trends and well as the values of the Town's residents. The goals and strategic objectives that form the basis of the Plan flow from the vision and establish the framework for the policies in the Plan. This Section of the Plan also describes how the vision is implemented through a series of land use designations.

**PART B (Land Use Designations)** contains the land use policies that apply to lands throughout the Town.

**PART C (Environmental Management Policies)** contains the policies dealing with rivers and streams, floodplains and hazardous slopes throughout the Town. In addition, policies that specify the requirements for water resource and stormwater management reports and environmental impact studies are contained in this section.

**PART D (General Development Policies)** contains policies that deal with land use planning matters such as water and sewer servicing, transportation, cultural heritage resources and the subdivision of land. These policies apply to the whole of the Town.

**PART E (Plan Implementation and Administration)** describes how the policies of the Official Plan will be implemented.

# PART A

## THE VISION AND LAND USE CONCEPT

## **A1 THE COMMUNITY VISION**

The primary purpose of the Official Plan is to provide the basis for managing growth that will support and emphasize the Town's unique character, diversity, civic identity, rural lifestyle and heritage features and to do so in a way that has a positive impact on the quality of life and health for the citizens who live and work in Pelham. The Official Plan is the primary planning document that will direct the actions of the Town and shape growth and development and on this basis, this Plan establishes a vision for the future land use structure of the Town.

The Town has a number of significant environmental and topographical features that contribute to the 'sense of place' felt by many of the Town's residents. These features include, the Niagara Escarpment, rivers and streams, smaller woodlots and wetland areas that support diverse wildlife and plant communities. The protection of these attributes is a key underlying principle in this Official Plan.

The agricultural areas of the Town, particularly the specialty croplands, are also considered to be an important component of what makes up the character of the community. These areas shall be protected for future agricultural use so that they can continue to preserve the Town's character and serve an important role in the regional economy.

Pelham is an identifiable and preferred settlement area in the Region of Niagara. According to Regional growth projections, it is anticipated that the population of the Town will increase by about 7,600 people in the next twenty years. Under this Official Plan, the majority of this growth will be directed to the two urban settlements of Fonthill and Fenwick.

It is also the intent of this Plan to protect natural systems, maintain the rural pattern of large land holdings and protect a rural landscape dominated by open fields, woodlands and productive agricultural land.

The new Official Plan assumes that the quality of life now enjoyed by the Town's residents can be maintained and enhanced if the Town's distinct urban and rural character is maintained and enhanced. However, change is inevitable and it must be managed in an efficient and orderly manner to maximize the benefits of new development and minimize the impacts. It is therefore the intent of this Plan to provide Council with the tools to consider and mitigate the impacts of change on the qualities that make the Town a desirable place to live.

## **A2 GOALS AND OBJECTIVES**

### **A2.1 THE NATURAL ENVIRONMENT**

#### **A2.1.1 Goal**

It is a goal of this Plan to maintain, enhance or restore ecosystem health and integrity.

#### **A2.1.2 Objectives**

- To ensure that an understanding of the natural environment, including the values, opportunities, limits and constraints that it provides, guides land use decision-making in the Town.

- To make planning decisions that considers the health and integrity of the broader landscape as well as long term and cumulative impacts on the ecosystem.
- To make planning decisions that avoids negative environmental impacts as a first priority, with secondary priority given to mitigation of negative impacts.
- To restrict and regulate land uses which could impact the water quality and hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands.
- To encourage the establishment of an open space system that links environmental and recreational resources both within and beyond the boundaries of the Town.
- To continue the development of an environmental data base and monitoring program to assist with decision making and public education.

## **A2.2 GROWTH AND SETTLEMENT**

### **A2.2.1 Goal**

It is a goal of this Plan to direct the majority of new development to the Urban Areas where full sewer and water services are available.

### **A2.2.2 Objectives**

- To prioritize residential development applications occurring in the Urban Areas, where full municipal services and other community facilities exist.
- To provide for housing that is affordable to the community.
- To encourage diversity in housing in an effort to accommodate the broadest range of income levels.
- To reinforce the function of the downtown as the primary business, entertainment and commercial focal point of the community and to increase the prominence of Downtown Fonthill in the Region.
- To encourage intensification and redevelopment within the Urban Area specifically in and in proximity to the Downtowns.

## **A2.3 URBAN CHARACTER**

### **A2.3.1 Goal**

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

### **A2.3.2 Objectives**

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.

- To encourage the intensification and use of the lands within the downtown core of Fonthill and to make every effort to improve the economic health of the core by encouraging redevelopment and the broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To ensure that new development areas are integrated into the fabric of the existing community in conformity with approved Secondary Plans.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types, community facilities, small-scale commercial centres and public open spaces.
- To provide community facilities that are safe, visible and accessible to residents in each neighbourhood.
- To foster a sense of civic identity through a high standard of urban design in public and private development.
- To properly plan the entrances along Highway 20 into Fonthill to ensure that they serve as desirable gateways into the Urban Area.

## **A2.4 THE ECONOMY**

### **A2.4.1 Goal**

It is a goal of this Plan to provide opportunities for economic development and the creation of jobs for the existing and future resident labour force.

### **A2.4.2 Objectives**

- To contribute to maintenance of a competitive and positive business climate in Niagara Region.
- To facilitate the provision of a range of goods and services to the public within the Town.
- To recognize the importance of the Niagara Central Airport and its adjacent industrial land base as assets in future local and Regional economic development.
- To promote active transportation and the use of open space to encourage tourism and to attract residents seeking an active recreational community as a lifestyle or retirement choice.
- To encourage agri-business and secondary uses in the agricultural area and specifically along Canboro Road to promote an active transportation linkage between Fonthill and Fenwick.
- To encourage opportunities for employment within a Regional context including a broad range of commercial and service facilities.
- To encourage the development of additional employment and service commercial uses in the Downtown.

- To encourage the development of home-based businesses and home industries provided the proposed use is compatible with adjacent uses.

## **A2.5 INFRASTRUCTURE**

### **A2.5.1 Goal**

It is a goal of this Plan to ensure that all infrastructure, including sanitary sewers, water distribution and stormwater management facilities, public service facilities, and roads meet the needs of present and future residents and businesses.

### **A2.5.2 Objectives**

- To ensure that infrastructure required to serve the Urban Areas is built prior to, or coincident with, new development.
- To maintain existing infrastructure and services in a manner that is cost effective and contributes to the quality of life of citizens.
- To encourage the establishment of an integrated transportation system, including active transportation, that safely and efficiently accommodates the broadest number of transportation modes.
- To establish a street pattern that provides appropriate and easy access to residents throughout the Town and which is integrated with existing public roads and open space wherever possible.
- To ensure that infrastructure and public service facilities shall be integrated with planning for growth.
- To ensure infrastructure and public service facilities are strategically located to support the effective and efficient delivery of emergency management services.
- Where feasible, public service facilities should be co-located to promote cost effectiveness and facilitate service integration.

## **A2.6 NATURAL RESOURCES**

### **A2.6.1 Goal**

It is a goal of this Plan to ensure that natural resources are protected and used in a manner which minimizes impacts on the environment and character of the Town.

### **A2.6.2 Objectives**

- To protect areas demonstrating high capability for agricultural production and to develop land use policies that do not allow for the further fragmentation of farmland nor its use by non-agricultural and/or incompatible land uses.
- To protect areas exhibiting high potential for aggregate extraction from encroachment and their use by potentially incompatible land uses to ensure the potential future extraction of such deposits.

- To work with the aggregate industry and encourage operational mineral aggregate sites that are compatible with and respectful of the greater community and natural features and functions.

## **A2.7 CULTURAL HERITAGE**

### **A2.7.1 Goal**

It is the goal of this Plan to identify, conserve and enhance the Town's cultural heritage resources.

### **A2.7.2 Objectives**

- To enhance the character of the Town by protecting and maintaining the Town's cultural heritage resources.
- To encourage the retention of cultural heritage resources wherever practical for the benefit of future generations.
- To foster civic pride by recognizing the contribution that cultural heritage resources make to the rural and urban fabric of the Town.
- To use cultural heritage resources as a tool to attract additional economic development, increase tourism opportunities and enhance the character and vitality of neighbourhoods and districts.
- To ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.
- To prevent the demolition, destruction, inappropriate alteration or use of cultural heritage resources.
- To encourage development that is adjacent to significant cultural heritage resources to be of an appropriate scale and character.
- To prepare a comprehensive inventory of the Town's built heritage and cultural heritage landscape resources.

## **A2.8 COMMUNITY IMPROVEMENT**

### **A2.8.1 Goal**

To encourage improvement and rehabilitation of older areas of the community in a coordinated manner.

### **A2.8.2 Objectives**

- To ensure that private investment and public expenditures are considered within the context of an overall improvement plan.
- To coordinate the application of municipal by-laws and planning policies to achieve a comprehensive result.

- To improve the property tax base in commercial areas by upgrading urban infrastructure and stimulating private investment.

### **A3 SETTLEMENT AREA STRATEGY**

According to Regional growth studies, the Town of Pelham is projected to accommodate about 7,600 new residents during the 25 years between 2006 and 2031. The Regional growth study further projected that this level of growth will precipitate the need for about 3,000 new dwelling units. Although the rural and agricultural area of the Town has accommodated a considerable amount of residential growth over the last 20 years, under the policies of this Official Plan the settlements of Fonthill and Fenwick will absorb almost all new residential and employment growth.

In Fonthill, future residential growth will be accommodated primarily within the East Fonthill Secondary Plan, a new planning area that is expected to accommodate up to 6,500 new residents when fully built-out. Other areas of Fonthill where growth will be directed include the North West Fonthill Secondary Plan, Lot 177 and Lot 173. The policies of this Plan also encourage additional housing growth through residential intensification in the Downtown and through redevelopment in transitional areas adjacent to the Downtown.

In Fenwick, there is a significant urban land base that will contribute to growth within the timeframe of this Official Plan as well as future growth beyond the timeframe of this Official Plan.

This Plan considers this future urban focus to be an opportunity, and a way to achieve other important goals such as creating neighbourhoods which are more walkable and identifiable as a result of a strong downtown and a diverse housing mix.

#### **A3.1 POPULATION FORECAST**

During the 25 years between 1981 and 2006 the population of the Town of Pelham increased by about 5,000 people or at an annual rate of 1.2%. The growth management policies of this Plan are premised on a Regional population forecast that has allocated a 25-year population growth of 7,600 people, which represents an annual growth rate of 1.8%.

The 25-year population projection is shown below.

<b>Year</b>	<b>25 Year Population Projection</b>
2006	16,800
2011	18,100
2016	19,800
2021	21,500
2026	23,100
2031	24,400

#### **A3.2 HOUSING FORECAST**

The growth management policies of this Plan are premised on a Regional forecast that has allocated 25 year housing growth of 3,000 units as shown in the summary below.



Year	25 Year Housing Forecast
2006	5,930
2011	6,400
2016	7,030
2021	7,700
2026	8,380
2031	8,930

According to Regional growth allocations, approximately 80% of this housing growth will be lower density dwelling types, whereas about 20% of this growth will be comprised of medium and higher density unit types.

It is anticipated that the Town will achieve the Regional allocation and it is probable that in the East Fonthill Secondary Plan that medium and higher density housing types will represent the majority of housing types.

### **A3.3 EMPLOYMENT FORECAST**

Regional growth allocations project future employment growth of about 1,800 new jobs over the next 25 years as shown in the summary below.

Year	25 Year Employment Forecast
2006	3,980
2011	4,340
2016	4,700
2021	5,100
2026	5,490
2031	5,740

According to Regional projections, it is anticipated that almost half of the new employment positions will be accommodated in commercial and retail services. The Regional projection also anticipates significant growth in home occupations and limited growth in the primary and industrial sectors. This Plan contemplates that up to 500 new positions will be accommodated within the designated Mixed-Use Commercial-Employment centre in East Fonthill. In addition, there will be new employment opportunities in the Downtowns, the Downtown Transitional areas in East Fonthill and through redevelopment and new development in the Highway Commercial areas. This Plan also provides ample employment land outside of the urban area and contains policies that promote employment and investment in the agricultural sector.

The projected employment for the Town by the year 2031 is 5,740 jobs. In order to achieve the employment objective of one job for every three residents, an employment target of 1,400 jobs will need to be achieved by 2031. A proportion of those jobs are to occur within the Employment Area designation through Greenfield development and the intensification of existing development. The remainder of the employment will be located in the Urban Areas through local services, commercial, institutional, home occupations, and government related jobs and in the Countryside through agricultural and rural related jobs.

## **A4 TOWN STRUCTURE AND LAND USE**

As was articulated in the Vision of this Plan, the Town of Pelham is characterized by distinct urban and rural areas. This Plan intends to maintain and in some cases strengthen these characteristics by employing the following town structure comprised of the following categories of land use:

1. The *Urban Area* designations apply to land use within the settlements of Fonthill and Fenwick. No new settlements areas will be permitted under this Official Plan.
2. The *Rural Area* designations apply to lands outside of the *Urban Area* designations.
3. The *Environmental* and *Open Space* land use category applies to lands within the *Urban Area* and *Rural Area* categories that are considered to be important from a natural heritage, natural hazards and/or open space perspective.

The land use designations in each category are intended to implement the Vision, Goals and Strategic Objectives of this Plan.

### **A4.1 URBAN AREA DESIGNATIONS**

The Urban Area Designations represent categories of land use which will be the focus for urban development on full municipal services. The land use designations within the *Urban Area* category are described below:

#### **A4.1.1 Urban Living Area**

Lands designated *Urban Living Area* are the site of existing and planned residential development and complementary uses on full municipal services, or planned to be connected to full municipal services all within the urban boundaries of the Fonthill and Fenwick Settlement Areas.

#### **A4.1.2 Downtown**

Lands designated *Downtown* are the site of primarily commercial uses within the built-up area of the Fonthill and Fenwick Settlement Areas.

#### **A4.1.3 Downtown Transition Area**

Lands designated *Downtown Transition Area* are located adjacent to the *Downtown* designation and are intended to be used for a mix of residential and commercial uses within existing buildings or through redevelopment that is complementary to the Downtown.

#### **A4.1.4 Urban Highway Commercial**

Lands designated *Urban Highway Commercial* are located on the major roads leading into the Fonthill Urban Area which are utilized or proposed to be utilized for commercial and service uses on full municipal services that are intended to primarily accommodate the travelling public.

#### **A4.1.5 Open Space**

Lands designated *Open Space* are owned by the Town, the Niagara Region or the Province of Ontario. Lands included within this designation also include all major municipal parks and passive parkland and NPCA lands.

#### **A4.1.6 Greenfield Overlay**

Lands designated *Greenfield Overlay* are lands which have been identified in the Province of Ontario's *Growth Plan for the Greater Golden Horseshoe* as being generally undeveloped urban land located outside of the built boundary. In accordance with Provincial and Regional policy such lands are, through new development, to achieve future population and employment densities of at least 50 jobs and people per hectare.

#### **A4.1.7 North West Fonthill Secondary Plan**

The North West Fonthill Secondary Plan was originally approved as Official Plan Amendment 43 in 2003. The original policies of the North West Fonthill Secondary Plan have been consolidated into this Official Plan with modifications to address conformity requirements of the Growth Plan.

#### **A4.1.8 East Fonthill Secondary Plan**

The East Fonthill Secondary Plan is the most substantial new urban area to be developed in the Town during the time horizon of this Official Plan. The East Fonthill Secondary Plan was approved concurrently with this Official Plan and utilizes a series of specific land use designations and development policies to ensure orderly development and conformity with Regional and Provincial policy.

### **A4.2 RURAL AREA DESIGNATIONS**

The land use designations within the *Rural Area* category are described below:

#### **A4.2.1 Good General Agricultural**

Lands designated *Good General Agricultural* are those that are identified as being within a prime agricultural area as identified by the Niagara Region Policy Plan.

#### **A4.2.2 Specialty Agricultural**

Lands designated *Specialty Agricultural* are those that are identified as being within the *Specialty Agricultural* designation in the Niagara Region Policy Plan and the Provincial *Greenbelt Plan*.

#### **A4.2.3 Industrial**

The *Industrial* designation applies to lands designated for employment purposes proximate to the Niagara Central Airport.

#### **A4.2.4 Rural Settlement**

The *Rural Settlement* designation applies to the rural settlement of North Pelham.

#### **A4.2.5 Aggregate Extraction Area**

Lands designated *Aggregate Extraction Area* applies to licensed pit and quarry operations.

#### **A4.2.6 Airport**

Lands designated *Airport* applies to the Niagara Central Airport.

### **A4.3 ENVIRONMENTAL AND OPEN SPACE DESIGNATIONS**

The land use designations within the *Environmental and Open Space* category are described below:

#### **A4.3.1 Environmental Protection One**

The *Environmental Protection One* designation is intended to reflect the designation and policies for the Environmental Protection Area (EPA) located in the Natural Core Area of the Niagara Region Policy Plan. The NPCA regulates watercourses and wetlands included in the *Environmental Protection One* designation.

#### **A4.3.2 Environmental Protection Two**

The *Environmental Protection Two* designation is intended to reflect the designation and policies of the Environmental Conservation Area (ECA) located in the Natural Core Area of the Niagara Region Policy Plan. The NPCA regulates watercourses and wetlands included in the *Environmental Protection Two* designation.

#### **A4.3.3 Environmental Protection Three**

The *Environmental Protection Three* designation is intended to reflect key natural heritage features and key hydrologic features identified in the Natural Heritage System of the Provincial Greenbelt Plan (2005). The NPCA regulates watercourses and wetlands included in the *Environmental Protection Three* designation.

#### **A4.3.4 Greenbelt Natural Heritage Overlay**

The *Greenbelt Natural Heritage Overlay* designation is intended to reflect lands within the Natural Heritage System of the Provincial Greenbelt Plan (2005).

#### **A4.3.5 Niagara Escarpment Plan Area**

This area, located in the north-east corner of the Town is the site of three land use designations and a public lands designation overlay. These include the *Escarpment Protection Area*, *Escarpment Natural Area* and *Escarpment Rural Area* designations and an overlay designation identifying public lands in the Niagara Escarpment Parks and Open Space System. The policies relating to these designations can be found in the *Niagara Escarpment Plan*. Changes to these designations or their related policies require an amendment to the Niagara Escarpment Plan in accordance with the provisions of the *Niagara Escarpment Planning and Development Act*.

#### **A4.3.6 Floodplain and Valleyland**

Lands designated *Floodplain and Valleyland* constitutes regulated areas in accordance with the Conservation Authorities Act and Regulations.

### **A5 CONCEPTS GUIDING FUTURE DEVELOPMENT IN URBAN AREAS**

This Plan was prepared at a time when the Province of Ontario and the Region took a strong leadership role in not only directing more growth to existing urban areas but also in requiring that the development and utilization of urban areas occur in a more sustainable and efficient manner.

The land use designations summarized in Section A3, which collectively comprise the Town's structure is subject to several concepts which have been articulated in Provincial and Regional policy. These concepts are described below and represent primary building blocks, not only of this Plan but of an overall Provincial strategy aimed at using urban land on full municipal services more efficiently.

#### **A5.1 URBAN AREA BOUNDARIES**

The Urban Area Settlements of Fonthill and Fenwick are delineated with an Urban Area Boundary. This boundary was prepared by the Province in accordance with the Growth Plan for the Greater Golden Horseshoe. The purpose of the Urban Area Boundary is to spatially identify the limit of urban development on full urban services for Fonthill and Fenwick.

#### **A5.2 THE BUILT-UP AREA**

The Built-Up Area are those lands within the Urban Area Boundaries of Fenwick and Fonthill that have been developed into urban uses or have been committed to urban development through recent planning approvals. This area was also delineated by the Province of Ontario in accordance with the Growth Plan for the Greater Golden Horseshoe. In Fonthill and Fenwick the Built-Up Area represents about two thirds of all of the land located within the Urban Area Boundary. Both Fonthill and Fenwick have major secondary plans or urban expansion areas located outside of the Built Boundary. The boundary of the Built-Up Area is referred to as a Built Boundary.

#### **A5.3 GREENFIELD AREAS**

Greenfield Areas are undeveloped areas located within the Urban Area Boundary but outside of the Built-Up Area. In the policies and schedules to this Plan, Greenfield Areas are referred to as a Greenfield Overlay and all lands not subject to the Greenfield Overlay designation are located within the Built-Up Area. In accordance with Provincial and Regional policy, all future development occurring within area distinguished by the Greenfield Overlay designation shall develop uses capable of achieving a minimum of 50 people and jobs per hectare. Additional policies concerning the Greenfield Overlay are located in Section B1.8 of this Plan.

## **A5.4 INTENSIFICATION TARGET**

When referenced in relation to urban land use, intensification means developing urban lands at a higher density than currently exists through redevelopment, infilling, using vacant or underutilized land or building expansion. Provincial and Regional policies require municipalities to identify suitable lands as well as targets for intensification within the Built-Up Area.

Regional planning policy has allocated a future intensification target for the Town of Pelham of about 300 new units. This target is to be accommodated between 2015 and 2031. Background studies prepared for this Official Plan have confirmed that the Town can meet or exceed this target. To this end, this Plan has identified potential intensification areas and has articulated policies that provide guidance and direction with respect to intensification.

Where appropriate, Intensification Areas, including brownfields will be planned to provide a mix of land uses that complement and support the overall residential intensification objective. These may include, employment, commercial, recreation, institutional and other compatible land uses in relative proportions dependent on area characteristics and the intended critical mass of residential development.

## **A5.5 INTENSIFICATION CORRIDORS**

Intensification corridors are areas along major roads that have the potential to provide a focus for higher-density mixed use development. In the Town of Pelham the areas identified as intensification corridors are located in Downtown Fonthill and include Highway 20, Canboro Road, Pelham Street, Pelham Town Square and Station Street. This Plan contains urban design guidelines specifically for these areas not only in the interest of better utilizing land and buildings but to do so in a way that creates a high quality urban environment that provides diversity in housing and commerce.

## **A5.6 PHASING**

Intensification will be phased in over time to ensure a balance of redevelopment and Greenfield development in Pelham. To ensure this balance, the Town will:

- Develop a monitoring program for its Greenfield and Intensification Areas;
- Work with the Region to ensure that infrastructure phasing is aligned to reflect this balanced approach to development;
- Develop a phasing strategy for its Greenfield and Intensification Areas; and,
- Ensure that the phasing of Greenfield development occurs in an orderly and logical manner.

## **A5.7 URBAN AREA EXPANSION**

The Niagara Region is responsible for determining urban area boundaries and is the approval authority for boundary expansion. Urban area expansion is not necessary to accommodate the future growth anticipated during the time horizon of this Official Plan. In the event that an urban area expansion is contemplated, urban boundary expansions

shall only occur through co-ordinated Local and Regional amendments as part of a municipal comprehensive review that reflects the Regional market area, growth projections, allocations and intensification and density targets by the Region and Provincial Growth Plan and where:

- a) Sufficient opportunities for growth are not available through intensification, redevelopment and Greenfield development in designated urban lands to accommodate projected needs within the regional market area and within the Town of Pelham;
- b) The expansion makes available sufficient lands for a time horizon not exceeding 20 years based on the analysis outlined above. The timing of the expansion and the phasing of the development within the Greenfield Area will not adversely affect the achievement of the intensification target, density targets or any other policies of this Plan;
- c) Existing or planned infrastructure and public service facilities required to accommodate the proposed expansion over the long term can be provided in a financially and environmentally sustainable manner and protect public health and safety;
- d) In prime agricultural areas:
  - i) The lands do not comprise specially crop areas;
  - ii) There are no reasonable alternatives; and
  - iii) There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.
- e) Impacts from the proposed expansion on adjacent agricultural operations close to the Urban Area can be mitigated to the extent feasible;
- f) In determining the most appropriate location for expansions, the policies of this Plan shall be applied;
- g) The timing of the expansion and the phasing of the development within the proposed expansion area would not adversely affect the achievement of any intensification or density targets; and,
- h) The proposed expansion will plan to maintain or move significantly towards a minimum, of one full time job per three residents within the Town.

# PART B

## LAND USE POLICIES



## **B1 URBAN AREA DESIGNATIONS**

### **B1.1 URBAN LIVING AREA**

#### **B1.1.1 Purpose**

The purpose of the *Urban Living Area* designation is to recognize the existing residential areas of Fonthill and Fenwick and promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of residential intensification, where appropriate.

#### **B1.1.2 Permitted Uses**

Permitted uses in the *Urban Living Area* designation include:

- a) Single-detached residential dwelling units;
- b) Accessory apartments in single-detached dwellings subject to Policy B1.1.4;
- c) Semi-detached, townhouse, multiple and apartment dwellings subject to Policy B1.1.5;
- d) Home occupations subject to Policy B1.1.6;
- e) Bed and breakfast establishments in single detached dwellings, subject to Policy B1.1.7;
- f) Private home daycare; and,
- g) Complementary uses such as residential care facilities, daycare centres, institutional uses and convenience commercial uses subject to Policy B1.1.8.

#### **B1.1.3 Residential Intensification**

In accordance with Provincial and Regional policy, the Town will accommodate at least 15% of projected housing growth, or about 300 residential dwelling units, within the existing built boundaries of Fonthill and Fenwick as illustrated on the Land Use Schedules to this Plan.

For the purpose of this Plan, residential intensification is defined as the development or redevelopment of existing vacant land or underutilized land within the existing urban areas of Fonthill and Fenwick into building types that more efficiently use existing urban space and services. In reviewing intensification proposals, the Town will assess the density of such proposals relative to the surrounding neighbourhood as well as the site and building design of the proposal. The Town will also assess how issues such as landscaping, access, parking, utilities and maintenance have been addressed in the proposal.

The financial feasibility of or market potential for the proposed development will not form the basis of any decision to approve an intensification or redevelopment proposal.

While intensification opportunities will be encouraged, proponents will be expected to demonstrate, through the provision of detailed site plans and elevation plans, that such

proposals will be respectful of, compatible with, and designed to be integrated with the community or neighbourhood where they are proposed.

In considering proposals for residential intensification, the following criteria are applicable to intensification proposals within the *Urban Living Area* designation:

- a) Schedules A1 and A2 to this Plan identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration for other sites in the *Urban Living Area* designation provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with an arterial or collector road;
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed. Within the identified intensification areas identified on Schedules A1 and A2 the implementing Zoning By-law may establish minimum and maximum densities of between 10 and 25 units per hectare;
- c) Residential intensification and redevelopment proposals located on lands which abut local roads shall maintain the unit density and unit type of the surrounding neighbourhood, but may through a Zoning By-law Amendment, increase the unit density by up to 25% of the existing gross density of lands located within 300 metres of the site, provided the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character;
- d) Notwithstanding items (b) and (c), the creation of new freehold or vacant condominium infill lots through the consent process, for ground-oriented detached dwellings, may be permitted provided the proposed lot and unit type is similar to and compatible with the established character of the street or neighbourhood where it is proposed. The Zoning By-law shall establish minimum lot area and frontages and minimum and/or maximum densities which are considered appropriate within the *Urban Living Area* designation;
- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification. The establishment of accessory apartments shall occur in accordance with Policy B1.1.4 and Council may reduce the application fee for such amendments under the Town's Tariff of Fees By-law;
- f) The provision of affordable housing in intensification areas will be encouraged; and,
- g) The Town will consider innovations for responsive processing of applications and amendments in the future including tools such as Conditional Zoning Amendments implementing a Development Permit system and the streamlining of processing concurrent development applications.

#### **B1.1.4 Accessory Apartments**

Accessory apartments may be permitted in single detached dwellings in the *Urban Living Area* designation in the areas identified on Schedule A1 to this Official Plan, provided:

- a) The apartment will comply with the Ontario Building and Fire Codes as well as

applicable provisions of the Town's Zoning By-law;

- b) Adequate parking is available on the lot for both dwelling units; and,
- c) The second dwelling unit is designed and located in the interest of maintaining the character of a detached dwelling as viewed from the streetscape.

In all other areas of the *Urban Living Area* designation, accessory apartments may be permitted subject to an amendment to the Comprehensive Zoning By-law. In considering such an application, Council shall be satisfied that the matters outlined in items a) to c) of this Section are met.

### **B1.1.5 Semi-Detached, Townhouse, Multiple and Apartment Dwellings**

In addition to the criteria listed in Policy B1.1.2, in considering a Zoning By-law Amendment and Site Plan application to permit a semi-detached dwelling, townhouse, multiple or apartment development, Council shall be satisfied that the proposal:

- a) Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
- b) Can be easily integrated with surrounding land uses;
- c) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and,
- d) Is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.

### **B1.1.6 Home Occupations**

Home occupations are permitted, provided:

- a) It is wholly located within a dwelling unit and shall not be located in a detached accessory building;
- b) It is clearly secondary and a minority use of the residence, in terms of floor space utilization, and is compatible with surrounding residential uses;
- c) It is located in the principal residence of the person conducting the home occupation;
- d) No outside storage of goods, materials, equipment or service vehicles other than cars, vans and light trucks related to the home occupation should be permitted; and,
- e) Adequate on-site parking is provided for the home occupation use, in addition to the parking required for the residential use, and such parking is provided in locations compatible with the surrounding residential uses.

The Comprehensive Zoning By-law shall further detail the conditions under which a home occupation may be permitted.

### **B1.1.7 Bed and Breakfast Establishments**

Bed and breakfast establishments are permitted in single detached dwellings, provided the bed and breakfast establishment:

- a) Is located within the principal residence of the owner/operator;
- b) Preserves the character of the dwelling as a private residence; and,
- c) Can be accommodated in terms of parking and access.

The Implementing Zoning By-law shall define a bed and breakfast establishment and further detail the conditions under which a bed and breakfast establishment may be permitted.

## **B1.1.8 Complementary Uses**

The following complementary uses may be permitted in the *Urban Living Area* designation, subject to an amendment to the Comprehensive Zoning By-law:

- a) Residential care facilities in accordance with Policy B1.1.8.1;
- b) Institutional uses such as places of worship and schools in accordance with Policy B1.1.8.2; and,
- c) Neighbourhood commercial uses in accordance with Policy B1.1.8.4.

### **B1.1.8.1 Residential Care Facilities**

The following uses are considered to be residential care facilities:

- a) Residential care facilities are defined as residential facilities that accommodate residents who have a range of emotional, psychiatric, physical, developmental, or social disadvantages or problems who receive both room and board and assistance with daily living for the purposes of this policy, respite care facilities are considered to be a residential care facility;
- b) The Town supports the provision of an adequate supply of residential care facilities. Such uses may also be subject to Site Plan Control to ensure that the facility is properly licensed by the Provincial government and complies with the Ontario Building and Fire Codes. In addition, the implementing by-law shall not permit the use of such a facility by more than 10 residents, plus the owner and staff;
- c) Drug and alcohol treatment centres, correctional residential care facilities and hostels for the homeless or transients are not to be permitted as of right in the Comprehensive Zoning By-law, and shall be subject to zoning amendment. A Zoning By-law Amendment will be subject to an evaluation of the following criteria:
  - i) The intensity of use relative to the area of the property;
  - ii) The compatibility with surrounding land uses;
  - iii) The suitability of the location with respect to the needs of clients and availability of necessary services;
  - iv) An assessment of the potential impact on existing community services;
  - v) Proximity to other residential care facilities; and,
  - vi) Size and type of dwelling as well as lot size.
- d) In order to prevent an undue concentration of residential care facilities, the Implementing Zoning By-laws shall specify a minimum distance separation between

facilities, as well as regulations regarding performance standards such as dwelling type, and minimum floor space. Registration of residential care facilities with the Town may be required.

#### **B1.1.8.2 Institutional Uses**

The development of any new Institutional use shall require an Amendment to the Zoning By-law and shall be subject to Site Plan Control.

In conjunction with an Amendment to the Zoning By-law, the applicant shall submit the following:

- a) A Site Plan illustrating the massing, location and, if applicable, phasing of proposed land uses;
- b) A Functional Servicing and Stormwater Management Report; and,
- c) Any other study or technical report required by staff or Council.

Prior to the approval of a Zoning Amendment, Council shall be satisfied that:

- a) The proposed use or expansion is compatible with the character of the area in which it is proposed;
- b) The proposed use is compatible with and can be appropriately buffered from adjacent uses, if necessary;
- c) the proposed use can accommodate the increased traffic generated by the proposed use; and,
- d) The proposed use can adequately accommodate parking requirements.

#### **B1.1.8.3 Conversion of Institutional Uses to Other Uses**

Existing uses within the *Institutional* designation may redevelop to other uses permitted in the *Urban Living Area* designation subject to a Zoning By-law Amendment which addresses the matters outlined in Policy B1.1.8.2.

#### **B1.1.8.4 Neighbourhood Commercial Uses**

The following uses are considered to be neighbourhood commercial uses:

- a) Retail uses with a floor area of less than 100 square metres;
- b) Personal service uses;
- c) Offices;
- d) Daycares, private and commercial schools and studios;
- e) Small-scale restaurants; and,
- f) Medical and dental clinics.

#### B1.1.8.4.1 *Conditions for Approval*

Neighbourhood commercial uses may be permitted in the *Urban Living Area* designation subject to a Zoning By-law Amendment, provided Council is satisfied that:

- a) The use will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads;
- b) The use can easily be accessed by pedestrians;
- c) The use is located on a site that has adequate land area to incorporate required parking, waste management facilities, landscaping and buffering on-site; and,
- d) The scale, massing and siting of the development is compatible and consistent with development on adjoining lands.

Neighbourhood commercial uses may be permitted to locate within the main floor of multiple residential and apartment buildings, provided that the location and design of such uses are compatible with the main residential use and will conform to this Section of the Plan. Zoning By-law Amendments passed in support of such a use may include site-specific regulation intended to limit the intensity of the use and maintain the character of the surrounding neighbourhood.

It is intended that the uses permitted in accordance with this policy only serve the neighbourhood retail and service needs of the surrounding residential area or neighbourhood and therefore will be limited in floor area.

#### **B1.1.9 Monitoring of Housing**

A monitoring program shall be established by the Town to:

- a) Review historic housing production levels by location, type and tenure in the *Urban Living Area*;
- b) Identify the location and spatial distribution of the supply of vacant designated residential land within the Official Plan;
- c) Identify the number of draft approved and vacant registered residential lots;
- d) Identify the average price of housing available on the market;
- e) Determine if Regional housing targets for affordability are being achieved;
- f) Describe the location, spatial distribution, the amount and pricing of housing available for rent;
- g) Describe the type, location and spatial distribution of infill housing development that has occurred; and,
- h) Identify how many accessory apartments have been legally created in accordance with Policy B1.1.4 of this Plan.

The results of this monitoring program will be reported to Council on an annual basis and will be analyzed at the time of a five year Official Plan review.

## **B1.1.10 Fenwick**

The current urban area boundary for the settlement of Fenwick has been in place since 1982. At the time this Plan was prepared, only about 60% of the lands designated for residential use were located within the urban service boundary and could be developed on full public water and sanitary sewer services.

It is a policy of this Plan that no further lot creation for residential use shall be permitted in Fenwick outside of the built boundary until a Secondary Plan is approved. The majority of these lands are identified in the Provincial Growth Plan as being Greenfield areas and are similarly identified on Schedule A2 to this Plan as *Greenfield Overlay*.

### **B1.1.10.1 Purpose of Secondary Plan**

The purpose of the Secondary Plan is to ensure the subject lands are developed in an orderly fashion and in a manner which conforms to the Provincial Growth Plan and is complementary to the settlement of Fenwick.

### **B1.1.10.2 Issues to be Addressed by the Secondary Plan**

The following issues should be reviewed as part of a Secondary Plan process:

- a) Conformity with the Provincial Growth Plan and Regional Policy Amendment 2-2009. Specifically, the Secondary Plan will need to identify and permit a range of housing types and densities, the intent of which is to achieve the Provincial requirement of 50 people and jobs per hectare;
- b) A sub-watershed plan prepared in accordance with the requirements of the NPCA and the Region;
- c) Options for water and sanitary sewer servicing;
- d) Stormwater management;
- e) The ability of the soils to support urban development due to hydrological and hydrogeological characteristics;
- f) The identification of important natural features, and recommendations for their protection;
- g) The mix, density and phasing of proposed land uses;
- h) Affordability;
- i) The need for new or expanded parks, schools or other community facilities;
- j) Transportation including integration with existing roads and an assessment of pedestrian connections to trails and parklands of new development;
- k) Stage 1 Archaeological Assessment; and,
- l) The preparation of urban design principles and an implementation strategy to provide guidance on the issues of accessibility, active transportation and quality building and site design.

### **B1.1.10.3 Residential Intensification**

Policy B1.1.3 shall apply to residential intensification proposals within the *Urban Living Area* of Fenwick which are not otherwise subject to the Greenfield provisions of the Provincial Growth Plan. In Fenwick, the net density for ground-oriented housing on vacant or under-developed lands should be between 8 and 15 units per hectare. However, on lands identified by the Provincial Growth Plan as being Greenfield areas, shown of the Schedules to this Plan as *Greenfield Overlay*, the minimum housing density should be 20 units per hectare in order to achieve Provincial and Regional population density requirements.

### **B1.1.11 Lot 177 Special Policy**

#### **B1.1.11.1 Purpose**

The purpose of the Lot 177 Special Policy is to provide a strategy and general policy direction to assist in facilitating an orderly build-out of this important residential area of the Town.

#### **B1.1.11.2 Relationship to the Urban Living Area Designation**

Lot 177 is located in the *Urban Living Area* designation. The residential neighbourhood of Lot 177 represents one of the most substantial infill areas within the Fonthill Urban Area after the Secondary Plan Areas.

As a result, the Provincial Growth Plan has placed about 15% of the land in Lot 177 in a Greenfield designation. These lands are identified on Schedule A1 to this Plan as *Greenfield Overlay*. This means that these lands are required to achieve population densities of 50 people and jobs per hectare.

#### **B1.1.11.3 Form of Development**

Lot 177 is characterized by extensive under developed areas and/or vacant land. The planning area is also highly fragmented which will make it challenging to fully achieve intensification targets. This Plan encourages coordination amongst landowners in an effort to produce orderly infill development that makes the most efficient use of urban services and land. Development applications that reflect coordination amongst landowners will be given priority over independent development applications.

At the time this Official Plan was prepared, the gross density of Lot 177 was about 4.5 units/hectare. It is anticipated that Lot 177 is capable of doubling this density through intensification of underutilized or vacant land. To achieve this density, at least 200 new units will need to be accommodated on the remaining development lands including lands designated under the Provincial Growth Plan as Greenfield areas, shown on Schedule A1 to this Plan as *Greenfield Overlay*. In order to assist in achieving this density, the Implementing Zoning By-law will establish a minimum gross density provision for all or some of the lands within the Lot 177 Special Policy Area.

It is anticipated that new development within the Lot 177 Special Policy Area will occur by Plan of Subdivision or Plan of Condominium. However, given that Lot 177 is a candidate area for infill and intensification, lot creation by consent to sever or by release of part lot



control is anticipated and may be permitted provided the application facilitates intensification and:

- a) The proposal complies with minimum density provisions established in the Comprehensive Zoning By-law;
- b) The lot creation proposal does not require the extension or provision of urban services which would more appropriately be facilitated by a Plan of Subdivision or Plan of Condominium; or,
- c) The consent(s) will facilitate orderly development contemplated by the policies of this Plan.

Where lot creation occurs by consent to sever within Lot 177, the retained lot may not be further subdivided by consent for a period of 3 years from the date that provisional consent is granted.

#### **B1.1.11.4 Residential Policies**

Development proposals shall provide for a mix of dwelling unit types to assist in ensuring an affordable housing supply can be accommodated.

Housing types will be located in such a manner as to enhance the physical and living environments of the neighbourhood.

In order to minimize the impact of medium density development on the residents of the neighbourhood, such development will be located adjacent to or be directly accessible to parks and open space areas and/or Pelham Street or Quaker Road.

The building height of medium density developments shall not exceed three (3) storeys.

#### **B1.1.11.5 Complementary Uses**

The policies of the *Urban Living Area* designation shall apply to complementary uses such as neighbourhood commercial and institutional uses.

Where existing commercial uses or lands propose to convert to residential use, Council will encourage the conversion of such lands to medium density residential uses such as townhomes or apartments.

#### **B1.1.11.6 Parkland**

As part of the development review process, it is a priority for the Town to acquire suitable land for a public park to serve the needs of residents within the Lot 177 development area. In making efforts to secure suitable lands, the following guidelines will be considered:

- Between 0.8 and 1.2 hectares (2 to 3 acres) of land be established for recreational purposes;
- The park centrally located within safe convenient walking distance of the majority of neighbourhood residents; and,
- Appropriate linear parks or walkways should be developed to access the park.

The policies in this Plan regarding the acquisition of parkland through the development process also apply in the Lot 177 Special Policy Area. However, given the fragmented nature of land in Lot 177, Council may acquire suitable lands for a park independent of the development process.

#### **B1.1.11.7 Servicing and Transportation**

The provision of sewerage, water, stormwater drainage, roads and other municipal services will be achieved with minimum costs to the Town and phased in an orderly and efficient manner.

Development of the Lot 177 lands will commence at the southerly limit and proceed sequentially in a northerly direction. Out of phase development will only be considered where the developer is willing to pay the cost of oversizing services beyond the limit of the development to a suitable outlet.

#### **B1.1.11.8 Front Ending Agreements**

In order to accommodate development within Lot 177, off-site road improvements and storm sewer extensions are required. The cost of undertaking such works shall be borne by the developers.

The Town will ensure that internal road alignments are adequate for emergency vehicles and do not jeopardize the logical and orderly development of other land available for development.

Where any proposed subdivision of land would preclude the development of a suitable system of interconnecting roadways, subdivision design modifications will be effected before development proceeds.

The Town may acquire lands required to accommodate a preferred roadway to assist in the coordination and orderly build out of Lot 177. Costs incurred in the acquisition process will be collected through an area specific development charge or other suitable mechanism or agreement and the cost of road construction will be borne by development proponents through subdivision agreements.

#### **B1.1.11.9 Implementation**

In order to achieve orderly development and effective use of land within the Lot 177 Special Policy Area, it is incumbent upon the proponents of future development to coordinate their proposals and work together. The Town is prepared to be a partner in this coordination and will use its authority under the *Planning Act*, the *Municipal Act*, the *Development Charges Act* or other applicable legislation wherever necessary to implement these policies.

#### **B1.1.12 Rental Conversion**

The Town will support the Region in discouraging the conversion of rental accommodation to condominium ownership where the vacancy rate is less than 3% and the ownership being provided is not considered to be affordable.

## **B1.2 DOWNTOWN**

### **B1.2.1 Purpose**

The purpose of the *Downtown* designation is to maintain and promote Downtown Fonthill and Downtown Fenwick as the focal points for commerce and hospitality in the Town and establish a definitive boundary for the Downtowns, within which a pedestrian-oriented environment can be fostered.

### **B1.2.2 Permitted Uses**

Permitted uses in the *Downtown* designation include:

- a) Retail uses including farmers market;
- b) Service uses;
- c) Business offices;
- d) Banks and financial institutions;
- e) Hotels, inns and bed and breakfast establishments;
- f) Entertainment uses;
- g) Daycare centres;
- h) Private and commercial schools;
- i) Places of worship and public institutional uses;
- j) Health care facilities;
- k) Restaurants and take-out restaurants, but not including any restaurant with a drive-through component;
- l) Micro-breweries and wineries;
- m) Medium and high density residential uses on upper floors or as mixed uses;
- n) Parks;
- o) Funeral homes;
- p) Galleries, museums and theatres, including open air pavilions; and,
- q) Uses, buildings and structures accessory to the above.

### **B1.2.3 Vision for the Downtown Areas**

It is the intent of this Plan that the Downtowns reinforce their role as the focal point for commerce and hospitality in the Town, accommodating a diverse mix of commercial, residential, cultural and social uses. In Downtown Fonthill specifically, this Plan envisions more housing opportunities. This Plan therefore envisions that some lands within the *Downtown* designation may be utilized for high density residential uses, particularly in locations or in buildings that have remained vacant of commercial activity for extended periods.

It is a policy of this Plan that the scale and location of new development in the Downtowns maintain and/or enhance the character of the Downtowns. This will be accomplished by encouraging:

- a) The promotion of a “village character” in Downtown Fenwick emphasized by smaller one and two story village residential housing form with adequate space and setback to accommodate landscaping and urban patios; and,
- b) The promotion of a “town character” in Downtown Fonthill emphasized by mixed use buildings, prominent civic buildings and integrated residential uses all of which is accessible and/or linked to existing public spaces, the most prominent being Pelham Town Square.

## **B1.2.4 Development Policies**

### **B1.2.4.1 Residential and Mixed Use Intensification**

In accordance with Provincial and Regional policy, the Town will accommodate at least 15% of projected housing growth or about 300 units within the existing urban boundaries of Fonthill and Fenwick as illustrated on the Land Use Schedules to this Plan.

For the purpose of this Plan, residential intensification is defined as the development or redevelopment of existing vacant land or underutilized land within the existing urban areas of Fonthill and Fenwick into building types that more efficiently use urban space and services. In reviewing intensification proposals, the Town will assess the density of such proposals relative to the surrounding neighbourhood as well as the site and building design of the proposal. The Town will also assess how issues such as landscaping, access, parking, utilities and maintenance have been addressed. The financial feasibility of or market potential for the proposed development will not form the basis of any decision to approve an intensification or redevelopment proposal.

While intensification opportunities will be encouraged, proponents will be expected to demonstrate, through the provision of detailed site plans and elevation plans, that such proposals will be respectful of, compatible with, and designed to be integrated with the community or neighbourhood where they are proposed.

In considering proposals for residential and mixed-use intensification, the following criteria are applicable to proposals within the *Downtown* designation:

- a) Single and semi-detached housing types will not be permitted in the *Downtown* designations;
- b) In order to encourage residential intensification proposals within or in proximity to the Downtowns, the Town may provide incentives through a Community Improvement Plan or bonusing. Council may also consider providing exemptions from the provision of on-site parking, local development charges and/or parkland dedication. However, the establishment of incentives or exemptions shall only occur subsequent to the completion of a Municipal led feasibility study to confirm that the provision of such incentives will not be detrimental to the financial position of the Town;
- c) At least 50% of the dwellings to be constructed in the Downtowns should be affordable to low and moderate income households;

- d) Intensification proposals will be encouraged to incorporate high quality urban design, landscaping treatments and accessibility. To support the integration of quality urban design and accessibility, the Town may prepare and adopt urban design guidelines and may enforce these standards through Site Plan Control;
- e) The Town may establish minimum building heights and/or densities in the Implementing Zoning By-law for site-specific areas in the Downtowns as set out in Policy B1.2.4.3; and,
- f) Residential intensification projects proposed within the *Downtown* or *Downtown Transition* designation will be encouraged to incorporate street level space for mixed use retail, service commercial uses and/or professional offices.

#### **B1.2.4.2 New Lots Created by Consent**

The creation of new lots by consent to sever may be permitted, provided the consent is in keeping with the vision described in Policy B1.2.3 and does not unduly fragment the land base of the Downtown to make it more difficult to accommodate usable building and parking space. The creation of new lots in the Downtown shall also comply with Policy D5.2.1.

#### **B1.2.4.3 Development and Urban Design Policies**

The following policies have been derived from the Town's *Urban Design Guidelines for Downtown Fenwick and Fonthill* and are intended to guide proposals for new development or redevelopment along the Intensification Corridors in the *Downtown* designations:

- a) In order to maintain a consistent façade along Pelham Street/Highway 20 in Fonthill and Canboro Road in Fenwick, the maximum height of new buildings fronting on these streets shall be 3 storeys. Building heights greater than 3 storeys may be permitted subject to a Zoning By-law Amendment provided the upper storey are appropriately stepped back or recessed from the front building wall;
- b) On lands which abut or face Pelham Town Square, the maximum building height shall be 5 storeys and the minimum height shall be 3 storeys in an effort to frame the square and create a central and prominent public space in the Downtown;
- b) New buildings should be built at or near the front lot line;
- c) Parking should not be permitted at the front of the building. Parking should be accommodated on-site at the rear of a lot, on the street or in a communal parking area;
- d) The maximum retail floor area for a single building along Highway 20 in Fonthill should not exceed 2,500 m<sup>2</sup> and on Pelham Street and in Fenwick the maximum retail floor space should not exceed 500 m<sup>2</sup>;
- e) Retail uses are encouraged to utilize the ground floor of multi-storey buildings to intensify the main street landscape and provide additional space for mixed uses on upper storeys;
- f) Buildings should be oriented to the street, consistent with adjacent building and provide clearly defined and accessible entry points from the sidewalk;
- g) Pedestrian weather protection is encouraged through the use of awning or canopies;

- h) Building frontages are encouraged to be highly transparent with at least 50% glazing or window treatments;
- i) Utilities and mechanical installations should be shrouded from main street viewscales and/or be integrated in architectural treatments; and,
- j) Preferred building materials include brick, wood, stone glass, in-situ concrete and pre-cast concrete. Building materials discouraged include vinyl siding, plastic, plywood, concrete block, metal siding and tinted or mirrored glass.

#### **B1.2.4.4 Residential Uses**

Pelham Street is the main street in Downtown Fonthill, and Canboro Road is the main street in Downtown Fenwick. These areas are intended to be the focal points for commercial and business activities and have been identified as Intensification Corridors, however, upper floor residential apartments will be permitted provided appropriate parking can be accommodated for the use and the dwelling unit complies with applicable requirements under the Building Code Act.

Building heights for mixed-use buildings containing residential apartments should be a minimum of 3 storeys to a maximum of 5 storeys for sites that abut or face Pelham Town Square.

#### **B1.2.4.5 Parking**

The following guidelines relate to the provision and design of parking areas in the Downtown:

- a) Wherever possible, parking for new development is encouraged to be provided below grade or to the rear of buildings with access by a rear lane;
- b) Rear lanes should be utilized wherever possible for access to parking areas and provision should be made for the acquisition of land or easements through development approvals to create rear lanes;
- c) Business owners are will be encouraged to consolidate parking areas and access for contiguous lots;
- d) Direct access to parking area from the main street will be discouraged for lots with less than 30 metres of frontage;
- e) Pedestrian routes from parking areas to buildings should be clearly identified, safe and accessible to all persons; and,
- f) Loading areas should be screened from public view through landscaping and fencing.

Where a new use cannot accommodate the Town's parking requirement, the Town may accept cash-in-lieu where it is demonstrated that the parking can be accommodated in an alternate location.

#### **B1.2.4.6 Drive – Throughs**

The establishment of drive-throughs accessory to restaurants, coffee shops, banks or similar uses in the *Downtown* designation is permitted, subject to a zoning amendment to confirm that such facilities are designed in a manner which enhances the quality and

character of the streetscape by minimizing their visual impact from the street and by providing safe vehicular and active transportation access.

In reviewing an application for a zoning amendment for a new drive-through, Council will require the following items to be submitted and addressed:

- a) The preparation of a Transportation Impact Study that:
  - i) Assess existing traffic conditions and the potential traffic impacts including recommendations and measures to ensure traffic impacts and turning movements will effectively be managed in the interest of the driver and pedestrian safety; and,
  - ii) Recommend a preferred number of parking spaces and length for the drive-through stacking areas.
- b) The preparation of a Site Plan that:
  - i) Places drive-through aisles and stacking lanes in the rear or side yards and away from the street frontage;
  - ii) Locates and orients pick-up windows, menu boards, speaker boxes, and stacking lanes to minimize glare, noise, and potential conflicts with parking and loading areas associated with the business or adjacent businesses;
  - iii) Provides clear and unobstructed active transportation access to the building and through the site and provides facilities for bicycle parking;
  - iv) Delineates and screens the drive-through function and enhances the quality and character of the site from the public realm and the surrounding area;
  - v) Considers adjacent land use and recommends measures to address impacts on sensitive adjacent uses such as residential uses; and,
  - vi) Implements the urban design policies of this Official Plan, where applicable.

### **B1.2.5 Public Space in the Downtown**

Public lands in the *Downtown* include areas such as streets, sidewalks or public parking lots. In order to improve public space in the Downtowns, the Town may require specific improvements or installations through Site Plan approval or may partner with stakeholders to maintain public space in a manner that is complementary to the Downtown and is consistent with the objectives of this Plan.

Specific projects aimed to revitalize public lands and buildings may include:

- a) Closing the existing entry road to the Municipal Office and extending Church Street east to connect to Pelham Town Square to alleviate problems and to establish a more prominent entry to Pelham Town Square and the Peace Park;
- b) The establishment of a rear lane network to minimize existing driveways and the resulting potential for pedestrian and vehicle conflict;
- c) The establishment of plazas to foster social activity and pedestrian usage of space in the Downtowns;
- d) The use of site planning, landscaping and lighting to create strategic clearly defined

gateways;

- e) The establishment of public art in parks, gateways and at the terminus of view corridors;
- f) The use of paths and pedestrian crossings to encourage active transportation and make access in the Downtown accessible and free of barriers; and,
- g) Streetscape improvements including the replacement of overhead wires with underground installations, traffic calming, introduction of streetscape features such as lighting furniture, vegetation and wider sidewalks.

## **B1.2.6 Implementing Zoning By-law**

All lands that are used for commercial purposes shall be placed in a Downtown Commercial or Mixed-Use Residential Zone in the Implementing Zoning By-law.

## **B1.3 DOWNTOWN TRANSITIONAL AREA**

### **B1.3.1 Purpose**

The purpose of the *Downtown Transitional Area* designation is to reinforce the importance of the *Downtown* designation by identifying a complementary area for transitional commercial and higher density residential development that contributes to the character and identity of the Downtown.

### **B1.3.2 Vision for the Downtown Transitional Area**

It is the intent of this Plan that the *Downtown Transitional Area* evolve as a mixed use incubator for new business and commerce adjacent to the *Downtown Area*. The intent is that this area be designated for small-scale business, commercial and residential uses that could utilize existing buildings and be complementary to the mixed-use, pedestrian oriented focus of the Downtown.

### **B1.3.3 Permitted Uses**

Permitted uses in the *Downtown Transitional Area* designation include:

- a) Residential uses;
- b) Professional offices and clinics providing health services;
- c) Inns and bed and breakfasts;
- d) Studios and home occupations; and,
- e) Small-scale restaurants, retail uses and personal service shops.

### **B1.3.4 Development Policies**

#### **B1.3.4.1 New Lots Created by Consent**

The creation of new lots by consent to sever may be permitted, provided the consent is in keeping with the Vision for the *Downtown Transitional Area* and does not unduly fragment



the land base to make it more difficult to accommodate usable building space. The creation of new lots in the Downtown shall also comply with Policy D5.2.1.

#### **B1.3.4.2 Residential Uses**

New street-level residential uses, including single detached and semi-detached units, townhouses and apartments as well as small-scale inns and bed and breakfast establishments are permitted in the *Downtown Transitional Area* designation both as a primary use and as an accessory use to a commercial business.

#### **B1.3.4.3 Development Criteria**

Policy B1.2.4 shall apply to the *Downtown Transitional Area* designation with the following exceptions and/or additional requirements:

- a) Single detached and semi-detached dwelling types shall be permitted in the *Downtown Transitional Area* designation;
- b) The maximum building height should be limited to 2 storeys;
- c) Buildings are encouraged to be built within 1 metres of the front lot line, but may be setback up to 5 metres, provided amenities and landscaping are incorporated in the front yard;
- d) The maximum floor area dedicated to retail uses should not exceed 100 m<sup>2</sup>;
- e) Design features such as pitched roof lines, awning and front porches are encouraged; and,
- f) Interior side yard setback should be maintained but may be reduced to accommodate redevelopment provided the reduction is appropriate for the location and maintains or instils good urban design.

Redevelopment and intensification proposals may be subject to a Zoning By-law Amendment and shall be subject to Site Plan Control. Prior to approving application for new development, Council should be satisfied that:

- a) The scale and appearance of the use is complementary to and does not detract from the residential character of the area;
- b) The building and/or the general appearance of the site will be improved through quality urban design;
- c) Adequate on-site or off-site parking is provided;
- d) The Site Plan and Site Plan Agreement will address appropriate urban design matters including accessibility provision, exterior design features, massing and relationship to adjacent buildings as well as sustainable design elements located on municipal road allowances and land; and,
- e) The sign identifying the use is limited in size in accordance with the municipal Sign By-law.

#### **B1.3.4.4 Parking**

Parking for any use should be accommodated on-site, however where additional parking cannot be accommodated due to site constraints, the Town may accept cash-in-lieu of parking.

#### **B1.3.4.5 Drive – Throughs**

The establishment of drive-throughs accessory to restaurants, coffee shops, banks or similar uses in the *Downtown Transitional Area* designation is permitted, subject to a zoning amendment to confirm that such facilities are designed in a manner which enhances the quality and character of the streetscape by minimizing their visual impact from the street and by providing safe vehicular and active transportation access.

In reviewing an application for a zoning amendment for a new drive-through, Council will require the following items to be submitted and addressed:

- a) The preparation of a Transportation Impact Study that:
  - i) Assess existing traffic conditions and the potential traffic impacts including recommendations and measures to ensure traffic impacts and turning movements will effectively be managed in the interest of the driver and pedestrian safety; and,
  - ii) Recommend a preferred number of parking spaces and length for the drive-through stacking areas.
- b) The preparation of a Site Plan that:
  - i) Places drive-through aisles and stacking lanes in the rear or side yards and away from the street frontage;
  - ii) Locates and orients pick-up windows, menu boards, speaker boxes, and stacking lanes to minimize glare, noise, and potential conflicts with parking and loading areas associated with the business or adjacent businesses;
  - iii) Provides clear and unobstructed active transportation access to the building and through the site and provides facilities for bicycle parking;
  - iv) Delineates and screens the drive-through function and enhances the quality and character of the site from the public realm and the surrounding area;
  - v) Considers adjacent land use and recommends measures to address impacts on sensitive adjacent uses such as residential uses; and,
  - vi) Implements the urban design policies of this Official Plan, where applicable.

#### **B1.3.5 Implementing Zoning By-Law**

Lands within the *Downtown Transitional Area* will be zoned for low-density residential use. Mixed use and/or commercial zones will also be recognized in the *Downtown Transitional Area* when such uses are established through site-specific zoning amendments.

## **B1.3.6 Exemptions**

The following land uses do not conform to the permitted uses listed in Section B1.3. Notwithstanding, they are considered to be permitted uses under this Plan and expansions to these uses shall be permitted unless the expansion is proposed on Lands not previously owned and occupied by the use. In such cases, an Amendment to this Plan shall be required.

### **B1.3.6.1 105 Highway 20 East & 1465 Station Street**

The site specific policies are:

That Policies B1.2.4 and B1.3.4.3 of the Official Plan shall not apply to the Lands; and,

Block townhouses, apartments and small scale commercial uses shall be permitted on the Lands subject to the following general requirements:

- A mixed use apartment and commercial building may be permitted along the Highway 20 East street frontage of the Lands, including pedestrian access and connections to the street and the Steve Bauer Trail;
- The maximum height of an apartment building shall be limited to six (6) storeys;
- Commercial floor space shall be limited to a maximum of 2 000 m<sup>2</sup>;
- Ground orientated commercial space should related positively to the public and private streets and provide for pedestrian access, including glazing and active storefronts;
- Townhouses may be permitted in the north area of the Lands and limited to a maximum of 3 storeys in height;
- Apartment buildings, commercial uses and townhouses shall be designed to integrate with the Station Street frontage of the Lands; and, in a compatible relationship with the neighbouring residential area;
- The Station Street frontage of the Lands shall be designed to maintain a pedestrian sidewalk, boulevard trees and adjacent yard landscaping to complement the streetscape;
- Adequate on-site and off-site parking shall be provided for all uses on the site;
- Design features such as roof pitches, parapets, awnings, architectural elements and front porches are encouraged; and,
- Building setbacks should be maintained but may be reduced to accommodate appropriate architectural elements, pedestrian connectivity, and good urban design.

The development's site plan and site plan agreement shall address appropriate urban design matters including accessibility provisions, exterior building design features, massing and relationship to adjacent properties; and, be generally consistent with the applicable guidelines contained in the Downtown Master Plan for Fenwick and Fonthill, December 2014.

## **B1.4 URBAN HIGHWAY COMMERCIAL**

### **B1.4.1 Purpose**

The purpose of the *Urban Highway Commercial* designation is to recognize existing commercial lands along Highway 20 and provide policy to ensure future expansion and redevelopment of this area is orderly and safe.

### **B1.4.2 Permitted Uses**

Permitted uses on lands designated *Urban Highway Commercial* include:

- a) Auto service and sales;
- b) Restaurants and drive-throughs as an accessory use;
- c) Accommodation facilities;
- d) Wineries;
- e) Supermarkets;
- f) Wholesale establishments;
- g) Institutional uses; and,
- h) Space extensive retail uses such as:
  - i) Automotive related products;
  - ii) Large and bulky goods such as furniture and appliances;
  - iii) Home improvement materials;
  - iv) Hardware; and,
  - v) Nursery or garden supply products.

### **B1.4.3 Form of Development**

It is the intent of this Plan that development within the *Urban Highway Commercial* designation be comprehensively planned to ensure that servicing and access can be adequately addressed. In this regard the establishment of new uses within the *Urban Highway Commercial* designation shall be planned in conjunction with other existing and proposed uses to minimize direct access onto Highway 20.

### **B1.4.4 Development Policies**

New uses may be subject to an amendment to the Implementing Zoning By-law and will be subject to Site Plan Control. Any redevelopment of existing uses which would involve an expansion to the floor area of more than 25% may also be subject to Site Plan Control. Prior to considering an application for Zoning By-law Amendment and/or Site Plan approval, Council shall be satisfied that:

- a) Adequate parking and loading facilities are provided on the site;
- b) Where highway commercial uses are proposed at the entrance points to the Fonthill Urban Areas, such uses are designed to provide or maintain a desirable gateway to

- the community;
- c) New or redeveloping uses incorporate landscaping to enhance the site and surrounding areas;
- d) Outdoor storage areas are substantially screened from view from passing traffic;
- e) All options respecting shared access from the road are reviewed and implemented , if feasible;
- f) Parking areas are oriented to the rear or side of the lot so the primary building can be brought closer to the road; and,
- g) Where a proposed use abuts or is proximate to an existing or proposed residential land use, fencing, landscaping, berming or a combination of these design elements will be utilized to ensure that there is adequate screening between the uses.

#### **B1.4.5 Relationship Between the Highway Commercial Area and the Downtown**

As noted in Section B1.2 of this Plan, the Downtown in Fonthill is intended to function as the primary commercial and service area of the Town. On this basis, new retail uses in the *Urban Highway Commercial* designation will be limited to larger format retail uses that require a significant building floor area and parking that cannot be accommodated in the Downtown areas. Smaller scale retail and service commercial uses should locate in the Downtown areas and Council will provide incentives through a Community Improvement Plan to encourage the establishment of such uses in the Downtowns rather than in the *Urban Highway Commercial* designation.

#### **B1.4.6 Market Impact Study**

A Market Impact Study shall be required for all major commercial developments/redevelopments and expansions exceeding 1,800 m<sup>2</sup>. The Market Impact Study shall identify the primary trade area and address such items as:

- a) The need for the proposed use;
- b) The location, size and scale of the proposed development;
- c) The potential market impacts on existing and planned commercial areas;
- d) The potential for compatibility issues;
- e) The adequacy of the existing transportation infrastructure, including pedestrian and cycling infrastructure, serving the proposed use;
- f) The potential for negative impacts on the natural environment; and,
- g) The adequacy of the existing water and waste water infrastructure and other municipal services.

Where the trade area for a market study extends beyond the boundary of the municipality, the Town shall consult with the Niagara Region and all affected municipalities. All Market Impact Studies will be evaluated by the Town on the basis of a peer review to be undertaken at the applicant's expense.

## **B1.4.7 Implementing Zoning By-law**

All lands within the *Urban Highway Commercial* designation shall be placed in an appropriate Commercial Zone in the Implementing Zoning By-law. Vacant lands will be placed in a Development or Holding Zone where only existing uses are permitted.

## **B1.4.8 Exceptions**

### **B1.4.8.1 Part Lot 1, Concession 10**

For lands located in Part Lot 1, Concession 10 at the corner of Pelham Street and Welland Road/Quaker Road and located within the Urban Highway Commercial designation, space extensive retail uses and wholesale establishments shall not be permitted uses.

## **B1.5 OPEN SPACE**

### **B1.5.1 Purpose**

The purpose of the *Open Space* designation is to ensure that the residents of the Town have access to a well planned and accessible parkland system, which incorporates the principles of active transportation.

### **B1.5.2 Location**

The *Open Space* designation as shown on Schedules to this Plan applies to the open space lands that are in public ownership and which are summarized below:

- The Steve Bauer Trail system;
- All community parks in the settlements;
- Passive and/or unimproved public parkland; and,
- All NPCA lands.

### **B1.5.3 Permitted Uses**

Permitted uses in the *Open Space* designation outside of the settlement areas may include non-motorized passive and active recreational uses, festivals, special events, conservation uses, community gardens, forestry uses in accordance with good management practices and accessory uses. On lands designated *Open Space* within the Urban Areas, permitted uses may also include buildings and structures utilized for recreational purpose such as, but not limited to arenas, swimming pools and gymnasiums.

### **B1.5.4 Components of the Open Space Designation**

#### **B1.5.4.1 Steve Bauer Trail**

The Steve Bauer Trail is located on the abandoned Canadian National railway line as well public road allowances and other lands dedicated for public use. It is the intent of this Plan to encourage the use of this Trail by a wide variety of non-motorized uses. It is

further the intent of this Plan to encourage the development of facilities and uses in proximity to the trail that may take advantage of tourist and related economic development opportunities, provided such uses are compatible with other land use policies of this Plan. The development of 'feeder trails' into the trail system is also encouraged by utilizing public land which may include road allowances and pedestrian walkways.

The Town, together with the railway, will identify potential reuse of railway lands which becomes surplus to the railway's needs. Where appropriate, the Town will consider the use of surplus railway lands for new trails and open space.

#### **B1.5.4.2 Major Community Parks in the Settlements**

The major community parks in the settlement areas are also considered to be part of the Town's Open Space system. These parks include Centennial, Harold S. Bradshaw, Marlene Stuart Streit, Harold Black, Hillcrest, Hurleston, North Pelham, Pelham Corners, Peace and Woodstream Park. It is a policy of this Plan that these parks will continue to provide a wide range of recreational opportunities for the Town's residents.

Policies on parkland dedication can be found in Section D5.4 of this Plan.

#### **B1.5.4.3 Other Public Parkland**

The urban settlements of Fonthill and Fenwick are characterized by a number of parcels of public land which are not improved or formally maintained as parks but nonetheless are public lands which contribute to the identity and character of the urban settlements. Examples include Kunda, Timmsdale and Cherry Ridge on Memorial. It is anticipated that these areas will generally remain in their current state during the life of this Official Plan.

#### **B1.5.4.4 Niagara Peninsula Conservation Authority Lands**

All Niagara Peninsula Conservation Authority (NPCA) lands are intended to be used on a passive basis, as most NPCA lands are characterized by environmentally sensitive features. It is the intent of this Plan to encourage the NPCA to maintain these lands in public ownership and to ensure that their use is consistent with the ecological character and natural heritage features in the immediate area.

#### **B1.5.5 Zoning By-law Implementation**

All lands in the *Open Space* designation shall be placed in an Open Space Zone or other appropriate zone in the Implementing Zoning By-law.

### **B1.6 NORTH WEST FONTHILL SECONDARY PLAN**

The area subject to this Secondary Plan is identified on Schedule A3 to the Official Plan. The purpose of the North West Fonthill Secondary Plan is to protect natural heritage features and to establish a comfortable and attractive neighbourhood with a range of housing types.

#### **B1.6.1 Objectives**

The development objectives provide the framework for the planning and development within the Secondary Plan Area by both the public and private sectors. The objectives will

be implemented by the mechanisms set out in this Secondary Plan and the Official Plan. The general objectives of this Secondary Plan are:

- a) To ensure that the community is developed with a compact urban form at an appropriate scale that is pedestrian-oriented and fosters community interaction;
- b) To create a sense of identity and continuity through design treatments that residents and visitors can recognize as characteristic of the community;
- c) To create a residential community with a safe, healthy and functional environment that can accommodate approximately 550 people, based on about 215 dwelling units, with a housing mix consisting of single detached units and townhouse dwellings;
- d) To establish a network of open spaces accessible to all residents with natural and cultural features integrated into open space areas;
- e) To create open spaces with a clear function and relationship to the community;
- f) To ensure the preservation and enhancement of significant natural heritage features and views;
- g) To ensure the maintenance and, where possible, the enhancement of the existing hydrological and hydrogeological conditions on the Fonthill Kame and within the Twelve Mile Creek and Coyle Creek systems;
- h) To develop a land use pattern and transportation system that supports vehicular traffic, cyclists and pedestrians;
- i) To design roads at a pedestrian scale, that are attractive public spaces while still serving vehicular traffic functions;
- j) To design roads based on a range of urban and semi-urban cross-sections that recognize the character of the community and the environmental constraints of the site;
- k) To ensure that all new development occurs on the basis of full urban water and sanitary sewer facilities;
- l) To design a stormwater management system that is integrated with the open space system and which mitigates impacts on the natural environment;
- m) To ensure that the necessary infrastructure and services are in place to facilitate the timely and orderly development of the community; and,
- n) To ensure that the costs of the services and facilities required to permit and support the development of the community are financed in accordance with:
  - i) The ability of the Town, the Region and landowners to pay;
  - ii) The provisions of the *Development Charges Act*, and,
  - iii) The Development Charges By-laws adopted by both the municipality and the Region.



## B1.6.2 Land Use Designations

- a) The Residential Neighbourhood is focused on the components of the open space network. The area intended to accommodate higher density residential uses is located in the southern half of the Secondary Plan Area. Lower density forms of housing are located in the north half of the Area. The land use designations used within the Residential Neighbourhood, as shown on Schedule A3, include:
  - i) 'Townhouse Residential';
  - ii) 'Low Density Residential'; and,
  - iii) 'Low Density Residential – Special Policies'.
- b) A site for use as housing for the elderly, including a continuing care facility is provided at the intersection of Highway 20 and Lookout Street. The land use designation used for this site, as shown on Schedule A3, is *Mixed Institutional/Commercial*;
- c) The public parks within the neighbourhood are identified by the *Open Space II* designation;
- d) The location of these designations throughout the community and the transportation and engineering aspects of this Secondary Plan are established conceptually on Schedule A3; and,
- e) All development within the Northwest Fonthill Secondary Plan Area shall occur in accordance with the recommendations contained in the *Pelham Area 1, Subwatershed Study and Environmental Impact Statement, Final Report, March 2003*'.

### B1.6.2.1 Townhouse Residential

It is the intent of the Town to facilitate the development of a range of townhouse and small lot single detached dwellings in this location to ensure an efficient use of the lands and to provide a mixture of house forms within the Secondary Plan Area.

#### ***Permitted Uses***

- a) In areas designated *Townhouse Residential*, housing forms may include street, block, stacked townhouses, and small lot single detached dwellings;
- b) Uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations, parks, open space linkages and public works may be permitted within the *Townhouse Residential* designation; and,
- c) Restrictions on the range and form of permitted uses shall be identified in the Implementing Zoning By-law.

#### ***Policies***

- a) All development within this designation shall be designed with regard for the appended design guidelines and shall be compatible with the intended character of the area in terms of density, building mass, height, setbacks, lot coverage and building configuration;

- b) All development within this designation shall be subject to the Site Plan Control provisions of the *Planning Act*;
- c) All roads within the *Townhouse Residential* designation shall be developed to the urban standards identified in this Secondary Plan;
- d) Development on the basis of public or private lanes may be permitted, subject to confirmation of the technical requirements by the Town;
- e) Where the *Townhouse Residential* designation abuts the existing single-detached residential homes that front onto Haist Street, a landscaped buffer strip shall be provided. The landscaped strip shall be two metres in width, in addition to the required rear yard, and shall be designed to screen new development from the existing homes. Once the buffer is designed and built to the satisfaction of the Town, its on-going maintenance shall be ensured by the Town through appropriate agreements/covenants; and,
- f) All roads within the *Townhouse Residential* designation shall be designed to the urban standards identified in this Secondary Plan and shall have regard for the appended design guidelines.

### **B1.6.2.2 Low Density Residential**

It is the intent of the Town to permit single-detached dwelling units in an environmentally sound manner, including the protection of the interpretive, educational and scientific value of the surrounding landscape.

#### ***Permitted Uses***

- a) *Low Density Residential* housing forms shall include single-detached dwelling units;
- b) Uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations, parks, open space linkages, places of worship and day nurseries may be permitted within the *Low Density Residential* designation; and,
- c) Restrictions on the range of permitted uses shall be identified in the Implementing Zoning By-law.

#### ***Policies***

- a) The minimum lot frontage for residential development shall generally be 18.0 metres per dwelling unit. The minimum lot area shall generally be 685 square metres;
- b) Local roads within the *Low Density Residential* designation may be developed to the urban or rural standards identified in this Secondary Plan, subject to the policies of this Secondary Plan and the technical requirements of the Town;
- c) Places of worship and day nurseries may be permitted through a rezoning, provided they:
  - i) Have a maximum lot size of 0.75 of a hectare;
  - ii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,

- iii) Are located adjacent to the intersection of two public roads, at least one of which is a collector road.
- d) All development permitted within the *Low Density Residential* designation may be subject to the Site Plan Control provisions of the *Planning Act*, at the discretion of the municipality;
- e) Prior to any development within the *Low Density Residential* designation, a Community Design Plan (refer to Policy B1.6.2.4) shall be carried out that will, among other items, address the impact of development on views to and from the adjacent environmental features. Some of the issues to be considered shall include:
  - i) The height, siting and orientation of the dwelling units;
  - ii) The provision of view corridors along roadways and between buildings; and,
  - iii) More detailed design guidelines addressing the scale and massing of building and landscape treatments.

### **B1.6.2.3 Low Density Residential – Special Policies**

It is the intent of the Town to permit large lot single-detached dwelling units in an environmentally sound manner, including the protection of the interpretive, educational and scientific value of the surrounding landscape.

#### ***Permitted Uses***

- a) *Low Density Residential – Special Policies* housing forms shall include only single-detached units on large lots;
- b) Within areas designated *Low Density Residential – Special Policies* uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations, pocket parks and open space linkages are permitted; and,
- c) Restrictions on the range of permitted uses shall be identified in the Implementing Zoning By-law.

#### ***Policies***

- a) The lands designated *Low Density Residential – Special Policies* shall be developed on individual lots with a minimum frontage of approximately 30.0 metres. The minimum lot area shall generally be 1,500 square metres;
- b) Local roads within the *Low Density Residential – Special Policies* designation may be developed to the urban or rural standards identified in this Secondary Plan, subject to the policies of this Secondary Plan and the technical requirements of the Town;
- c) All development permitted within the *Low Density Residential – Special Policies* designation, may be subject to the Site Plan Control provisions of the *Planning Act*, at the discretion of the municipality;
- d) Prior to any development within the *Low Density Residential – Special Policies* designation, a Community Design Plan shall be prepared that will, among other items, address the impact of development on views to and from the adjacent environmental features. Some of the issues to be considered shall include:

- i) The height, siting and orientation of the dwelling units;
- ii) The provision of view corridors along roadways and between buildings; and,
- iii) More detailed design guidelines addressing the scale and massing of buildings and landscape treatments.

#### **B1.6.2.4 Community Design Plan**

The Community Design Plan shall be carried out by the proponent and approved by the Town. The recommendations of the Community Design Plan shall be implemented through the Zoning By-law and may also be implemented through the Site Plan Control provisions of the *Planning Act*, at the discretion of the municipality.

- a) All development on lands designated *Low Density Residential – Special Policies* shall proceed on the basis of the recommendations of an Environmental Impact Statement. An Environmental Impact Study (EIS) is to be undertaken by the proponent and approved by the Region in consultation with the Town and NPCA and any other government agency having jurisdiction. An EIS will provide:
  - i) A map identifying the location and extent of the proposed buildings and landscape elements on the subject site in relation to the identified natural feature;
  - ii) A biological description of the natural environment that might reasonably be expected to be affected, either directly or indirectly, by the proposed development;
  - iii) A description of the impacts to the environment that may reasonably be expected to result from the proposed development; and,
  - iv) A description of the actions that may be reasonably required to prevent, change, minimize or remedy impacts to the environment resulting from the implementation of the proposed development, including the identification of environmental buffers, opportunities for ecological restoration, enhancement and long term conservation of the natural feature.

The recommendations of the EIS shall be implemented through the Zoning By-law and Site Plan Control provisions of the *Planning Act*. Site Plan agreements and/or other legal devices will be registered on title to ensure the long-term protection of the identified natural features.

#### **B1.6.2.5 Mixed Institutional/Commercial**

The Lands designated *Mixed Institutional/Commercial* focus on the north side of the Highway 20 corridor, as identified on Schedule A3. Development within this designation shall be compatible with the planned role of Highway 20 and as part of the urban entrance to the community of Fonthill.

##### ***Permitted Uses***

- a) Institutional uses permitted within this designation include senior citizens housing in forms ranging from independent living apartments to partial care facilities to a full service nursing home;

- b) In addition to the primary institutional use ancillary commercial uses may also be permitted. The range of commercial uses permitted in combination with the permitted institutional uses within this designation include:
  - i) Professional and medical offices;
  - ii) Health and fitness recreational uses; and,
  - iii) Banks and personal service uses.
- c) Public utilities, stormwater management facilities and community facilities such as parks and open space linkages, and places of worship may also be permitted within the 'Mixed Institutional/Commercial' designation; and,
- d) Restrictions on the range of permitted uses shall be identified in the Implementing Zoning By-law.

***Policies***

- a) All development shall be subject to the Site Plan Control provisions of the *Planning Act*;
- b) The Town shall ensure that the natural environment is considered as an essential component of the Site Plan with special consideration given to natural topography, surface drainage patterns and vegetative cover;
- c) The site is a key gateway to Fonthill. As such, a high level of design standards will be incorporated into the Zoning By-law and design guidelines for landscaping, building setbacks and other on-site amenities;
- d) The maximum height of any building shall be four storeys or 12 metres, whichever is less;
- e) All uses will be located to front, face and feature Highway 20 and Lookout Street;
- f) Parking facilities shall not exceed 30% lot area coverage and shall generally be restricted to interior side and rear yard locations. The area of the lot covered by the building shall not exceed 40%;
- g) The number of access points to public roads shall be minimized;
- h) Where any lot line abuts a public road, public open space, and/or a residential lot, special landscaping/building treatments shall be required to ensure that the rear and/or side building facades are attractive and/or appropriately screened from view; and,
- i) All parking, storage and loading areas shall be appropriately screened, landscaped and buffered from all adjacent land uses.

**B1.6.2.6 Open Space II**

***Permitted Uses***

The *Open Space II* designation permits a wide variety of recreational uses, including buildings and facilities used for recreation. Stormwater management facilities may also be permitted within the *Open Space II* designation.

### **Policies**

- a) The permitted uses and policies of the *Open Space II* designation are in addition to the policies of Section B1.5 of the Official Plan;
- b) The *Open Space II* designation includes neighbourhood parks and pocket parks/village squares;
- c) The neighbourhood park is shown conceptually on Schedule A3 and is moderate in size. Pocket parks/village squares, which are conceptually identified on Schedule A3, are intended to provide sub-neighbourhood focal points and/or gateway features;
- d) The actual size and shape of the various public parks shall be determined during the processing of development applications;
- e) Publicly owned parkland shall be provided in accordance with the standards identified in the *Planning Act*, subject to the following:
  - i) Significant frontage on a public road is provided;
  - ii) The site is located to complement the overall open space network; and,
  - iii) The site is accessible to residents from the surrounding neighbourhood.
- f) Parkland may be acquired pursuant to the provisions of the *Planning Act* and by other available means. Lands required for stormwater management facilities that are not suitable for public recreation purposes shall not be accepted as part of the parkland dedication under the *Planning Act*;
- g) Cash-in-lieu of parkland shall only be considered where an individual development parcel does not include any key components of the anticipated neighbourhood park, pocket park/village square or open space linkage network, and where the Town has determined that parkland within the subject lands is not required to serve the proposed development or the surrounding community. Where cash-in-lieu of parkland is accepted, the cash shall be used to enhance the public open space system elsewhere within this Secondary Plan Area;
- h) Land conveyed to the Town for park purposes shall be accepted only when the Town is satisfied that the land is suitable for park purposes and is situated and configured in a manner that achieves the open space objectives of this Secondary Plan; and,
- i) Land for park purposes must be conveyed in a condition satisfactory to the Town. At a minimum, this should be in a condition with basic grading, seeding/sodding completed and building materials and rubble removed.

### **B1.6.3 Transportation**

The intent of the transportation system is to provide an integrated, multi-modal transportation network for all residents and businesses that is safe, convenient, affordable, efficient and energy-conserving while minimizing environmental impacts.

The key objectives in designing the transportation network are:

- Continuity and connectivity;
- Transit friendliness; and,
- Liveable streets.

## **B1.6.4 Road Network**

- a) The road network within the Secondary Plan Area, as identified conceptually on Schedule A3, is based on an inter-connected and permeable modified grid pattern; and,
- b) The community will have a hierarchy of road types determined by the adjacent land uses, planned function, location, capacity and speed. Schedule A3 identifies the existing Highway 20, the collector road network, including Lookout Street and Haist Street and a conceptual local road network.

### **B1.6.4.1 Highway 20**

- a) Highway 20 is, and will remain one of the primary east-west routes, joining Pelham to Thorold and beyond. As such, special consideration regarding the nature and visual character of the road right-of-way and adjacent development is important. Development of Highway 20 shall meet the following requirements:
  - i) A right-of-way width of 20 to 26 metres;
  - ii) Sidewalks shall be provided;
  - iii) New development that abuts Highway 20 will front, face and feature Highway 20, however, no individual access will be permitted from Highway 20 to any new use within this Secondary Plan Area; and,
  - iv) As an 'Urban Arterial' the Town will work in collaboration with the Region to ensure that the future design of Highway 20, including any proposed widening, shall have regard for its role and function as the historic main street of Fonthill. Design considerations may include a reduced right-of-way, reduced pavement and lane widths, a reduced design speed, provision for on-street parking and special design features and street lighting/furniture.

### **B1.6.4.2 Collector Roads**

Other collector roads in the Secondary Plan Area, including Haist Street, Lookout Street and the proposed internal collector road shall have either urban or rural cross sections, and incorporate design features such as traffic calming measures, bicycle lanes, landscape islands, street lighting/furniture. Right-of-way widths to be 20 to 26 metres, subject to confirmation of their ability to accommodate the vehicular, cyclists and pedestrian traffic to the satisfaction of the Town.

### **B1.6.4.3 Local Roads/Lanes**

- a) The local road network must be based on a modified grid and include a variety of 'T' and cross road intersection configurations. Right-of-way for the local road pattern shall be 20 metres. To incorporate such design features as parking lanes, road widths for local streets with urban cross section shall be 8.6 metres. Road widths for local streets with rural cross section shall be 9.0 metres. Separate provision for cyclists has not been made on local streets, given the lower traffic levels on these roads;
- b) One local road, identified as 'Special Identity Local Road' is to be developed with a landscaped centre median and is intended to terminate at a public park, as shown conceptually on Schedule A3. The Right-of-way for this road shall be 22 metres; and,

- c) Public or private lanes may be permitted within the 'Townhouse Residential' designation. Lanes shall meet the following requirements:
  - i) A right-of-way width of between 6.0 metres and 7.5 metres;
  - ii) A minimum pavement width of between 6.0 metres and 7.5 metres; and,
  - iii) The rear yard setback to a garage shall range between 0.0 and 1.0 metre.

#### **B1.6.4.4 Road Policies**

- a) All identified right-of-way, pavement widths and road configurations shall be subject to satisfactory confirmation of utility locations, emergency access, streetscape design and on-street parking regulations. The road allowance widths identified in this Secondary Plan are approximate. In certain cases, widening of existing roads to the ultimate road allowance width may not be required. In some cases the right-of-way may need to be wider to accommodate engineering and/or design requirements. Final right-of-way requirements and the provision of daylight triangles will be determined during the review of development applications;
- b) The local road network, which is shown conceptually on Schedule A3, shall recognize natural and built constraints and shall generally form a continuous and interconnected modified grid pattern. Minor modifications to the local road network may be permitted without the need for an Official Plan Amendment provided the Town is satisfied that the general intent of the planned local road network is maintained;
- c) Only the identified collector road shall be permitted to intersect with Haist Street;
- d) No urban development will be permitted within the Secondary Plan Area until internal road access among the various land parcels is appropriately secured by the Town;
- e) Traffic calming features, such as raised intersections, speed humps, chokers, traffic circles, chicanes and/or hammerheads should be considered to control speed, volumes and cut-through traffic. These features may also provide important aesthetic focal points within the community. These roadway features may be permitted subject to evaluation by the Town of functional, aesthetic, operational and financial issues associated with their use; and,
- f) Streetscape design for the collector road, local roads and laneways shall have regard for the urban design guidelines appended to this Secondary Plan.

#### **B1.6.4.5 Transit**

- a) Transit routes are to be located along the identified collector roads. The use of local streets for transit will be avoided, wherever possible; and,
- b) It is anticipated that the nature of the transit network will evolve over time as service demand dictates.

#### **B1.6.4.6 Pedestrian and Bicycle System**

- a) The development of all roads shall, where possible, include safe, convenient and attractive facilities for pedestrians and cyclists; and,



- b) A street-related pedestrian walkway and bikeway system shall be required within the neighbourhood. These facilities will be designed to be integrated with a general pedestrian and bicycle system within the community which provides linkages between buildings, adjacent sites, surrounding areas and public streets, particularly those with transit facilities.

#### **B1.6.4.7 Parking**

- a) All development shall provide suitable off-street parking, as required by the Implementing Zoning By-law; and,
- b) On street parking shall be considered on all local roads, subject to the right-of-way width and traffic considerations.

### **B1.6.5 Infrastructure**

#### **B1.6.5.1 Water, Waste Water and Stormwater Management**

- a) Development within the Secondary Plan Area shall be on the basis of full urban water, wastewater and stormwater management facilities;
- b) A Master Servicing Plan, outlining preliminary functional water distribution, wastewater collection and stormwater management facilities, including designs and costs, will be prepared prior to the approval of any development within the Secondary Plan Area;
- c) All required infrastructure shall be constructed and sized to accommodate the full build-out of the Secondary Plan Area. As a result, some of the infrastructure required by one proponent may be oversized to service the larger area. Benefiting landowners shall be required to compensate provider proponents, prior to development on the benefiting landowner's property;
- d) All development within the Secondary Plan Area will proceed according to individual, site specific Drainage Plans and Servicing Plans prepared by the proponent, to the satisfaction of the Town and the Region;
- e) Development may be phased to coincide with the availability of servicing and financial capabilities are available to allow all the necessary services for development; and,
- f) Municipal infrastructure, stormwater management facilities and public or private utility services shall be permitted in all land use designations, subject to the recommendations in the *Pelham Area 1 Subwatershed Study and Environmental Impact Statement, Final Report, March 2003, the Master Servicing Plan* and detailed engineering designs to be approved by the Town. Further Official Plan Amendments shall not be required to implement appropriate infrastructure and stormwater management facilities.

### **B1.6.6 Stormwater Collection and Management System**

- a) The Secondary Plan Area is subdivided into two drainage areas, as identified on Schedule A3. The majority of the property drains to the south to Coyle Creek (Ridgeville Drain is part of this system). The remainder of the property drains northeast to Twelve Mile Creek. Twelve Mile Creek is the only coldwater fishery in

Niagara and, therefore, is a significant resource to the community and Region. Stormwater management is very important for this Secondary Plan Area and the Town will be requiring the highest level of protection (Level 1) for the Twelve Mile Creek watershed and Level 2 protection for the drainage area tributary to Coyle Creek;

- b) The general objectives for stormwater management within this Secondary Plan Area are:
  - i) To maintain, and where possible, improve the health and condition of the receiving watercourses;
  - ii) The achievement of no net increase in stormwater run-off from the Area to adjoining lands;
  - iii) To maintain, and where possible, improve the quality of stormwater entering surface and groundwater supplies; and,
  - iv) To promote the use of naturalized methods of stormwater management.
- c) The stormwater collection system for the Secondary Plan Area will be designed to direct minor and major storms to two proposed Ponds (possibly a third to service the southwest corner of the subject area), identified conceptually on Schedule A3;
- d) Smaller trunk storm sewers will be required to service the entire Secondary Plan Area. A proponent may be required to oversize stormwater management facilities to service other landowner's properties. Oversizing costs born by a specific proponent may be paid for with contributions from other benefiting landowners through front ending agreements, Development Charges By-law, or other developer's group agreements as deemed appropriate by the Town;
- e) Watercourse land dedication, including environmental buffers as identified in this Secondary Plan and in the Subwatershed Study, shall be valued and subject to contributions from other benefiting landowners through front ending agreements, Development Charges By-law, or other developer's group agreements as deemed appropriate by the Town;
- f) The native soil is sand therefore the stormwater management plans developed for Secondary Plan Area must include groundwater recharge areas. The design of the recharge system must ensure that the highest quality of water is recharged into the groundwater system. The Secondary Plan Area is divided into two stormwater management areas, as described below:
  - i) Storm Drainage Area A, which drains to the Twelve Mile Creek watershed; and,
  - ii) Storm Drainage Area B, which drains to the Ridgeville Drain/Coyle Creek watershed.
- g) Storm Drainage Area A – This area drains to Twelve Mile Creek, the only cold water fishery in the Region of Niagara. As such, a Level 1 protection is required for the stormwater management system. The primary design objectives for stormwater management in this area include:
  - i) Quantity control;
  - ii) Quality control;
  - iii) Groundwater recharge;

- iv) Water temperature control; and,
  - v) Erosion control.
- h) Storm Drainage Area B – Drainage from this area outlet into tributaries of the Coyle Creek to the southwest. Parts of some of these tributaries have experienced erosion problems along their banks in some locations, in particular in one tributary channel behind Lookout Village. One stormwater management facility is proposed to be located on the northeast corner of Highway 20 and Lookout Street. A second stormwater management facility may be required in the southeast corner of Secondary Plan Area B, east of the Fire Hall. The remaining drainage from this area is via natural watercourses, which are tributaries to the Ridgeville Drain. The primary design objectives for stormwater management in this area include:
- i) Quantity control;
  - ii) Quality control;
  - iii) Groundwater recharge;
  - iv) Erosion control; and,
  - v) Enhancement program for the existing drainage courses (may be subject to the *Drainage Act* as part of the Coyle Creek complex is the Ridgeville Drain).

The stormwater management pond proposed to be located at the intersection of Highway 20 and Lookout Street is identified as a key gateway to Fonthill. As such, it should be designed with enhanced landscape features recognizing its important location within Pelham.

### **B1.6.7 Other Utilities**

- a) All new local power and telecommunications/communications facilities and other similar services serving the Secondary Plan Area shall be located underground and shall, where possible, be grouped into a single utility trench; and,
- b) Utility providers are to confirm if existing services can be upgraded and new services can be provided to support the proposed development prior to the approval of any development within the Secondary Plan Area.

### **B1.6.8 Implementation**

- a) This Secondary Plan shall be implemented by the powers conferred upon the Town by the *Planning Act*, the *Municipal Act*, the *Development Charges Act* and other applicable statutes and in accordance with all the applicable policies of the Town of Pelham Official Plan in addition to the policies of this Secondary Plan;
- b) The protection of the watershed of Twelve Mile Creek and Coyle Creek is a major objective of this Plan. It is important that the recommendations contained in the Subwatershed Study and Environmental Impact Study (EIS) be implemented. All development proposals, therefore, will be considered within the context of the objectives set out in Policy B1.6.6 b) and must occur in a manner consistent with the *Pelham Area 1, Subwatershed Study and Environmental Impact Statement, Final Report, March 2003*; and,

- c) The monitoring provisions set out in the Subwatershed study and Environmental Impact Study (EIS) should be considered minimum requirements only. A technical monitoring committee shall be established to report on water quality and quantity issues at least annually for a minimum of seven years based on the implementation of the *Subwatershed Study and Environmental Impact Statement, Final Report, March 2003*. This Technical Monitoring Committee shall consist of representatives from the Town of Pelham, the Niagara Region, and the NPCA. Other members may be included at the direction of the Council of the Town of Pelham. Reports of the Technical Monitoring Committee shall be presented to the Town and Regional Councils.

### **B1.6.9 Phasing**

- a) Development shall be phased to provide for the continuous, orderly extension of the community and to ensure the most efficient and economical use of existing and proposed infrastructure. The following phasing criteria shall be considered in the review of all development applications:
  - i) The development contributes to, or can be appropriately integrated within the logical sequence of construction of all required sewer, water, storm water and transportation facilities; and,
  - ii) The development satisfies all requirements regarding the provision of parkland and other facilities.
- b) Notwithstanding any other provisions of the Official Plan, as a condition of the approval of development:
  - i) The requirement for a front ending agreement and/or a developer's group agreement shall be satisfied; and,
  - ii) An agreement to implement any relevant findings of the studies required by this Secondary Plan.

### **B1.6.10 Developer's Group/Front Ending Agreements**

- a) Developer's Group/Front Ending Agreements based on the findings of this Secondary Plan and the findings of the Master Servicing Plan and any other studies deemed necessary by the Town, shall be entered into by the benefiting parties and approved by the Town as a condition of the approval of development applications;
- b) Such agreements shall ensure that the necessary approvals and the required contributions of funds, lands and commitments for services will be in place and operative prior to, or coincident with occupancy and use of land. Items which may be addressed in the Developer's Group/Front Ending Agreements include:
  - i) Open space and environmental features;
  - ii) Streetscape features;
  - iii) Water distribution and wastewater collection;
  - iv) Stormwater management facilities;
  - v) Road infrastructure, internal access and widenings; and,
  - vi) Other utilities.

- c) If difficulties or undue delays are encountered with respect to the preparation of the Developer's Group/Front Ending Agreements required above, the Town may be requested to attempt to resolve such difficulties or delays. Where resolution of such problems is not deemed feasible by the Town or is not possible even with the Town's intervention, the Town may approve alternative mechanisms to satisfy the intent of the applicable policy.

### **B1.6.11 Requirements for Complete Applications**

- a) Notwithstanding any other provisions of the Official Plan, the Town may require, at the time of submission of a development application, such information as:
  - i) A Subwatershed Study;
  - ii) A Master Servicing Plan;
  - iii) A Community Design Plan, including a Viewshed Analysis, that identifies the design vision of the development application in the context of the policies of this Plan and the appended design guidelines;
  - iv) An Individual Servicing Plan;
  - v) An Individual Drainage Plan;
  - vi) An Individual Transportation Impact Study;
  - vii) An Environmental Impact Statement; and,
  - viii) An Archaeological Survey.
- b) The Town, in consultation with the Region and any other agency having jurisdiction, shall, if appropriate, peer review and approve all required studies prior to granting development approvals. Costs of peer review work shall be the responsibility of the proponent.

### **B1.6.12 Zoning By-law**

- a) This Secondary Plan shall be implemented through the enactment of Comprehensive Zoning By-laws in conformity with the provisions of the Official Plan and this Secondary Plan;
- b) The Town may designate a holding zone with the prefix 'H' and specify the future uses of these lands that, at the present time, are considered premature or inappropriate for development for any one or more of the following reasons:
  - i) Community services and facilities such as sanitary sewers, stormwater management facilities, water supply and public parks are insufficient to serve the proposed development;
  - ii) Transportation facilities are inadequate or inappropriate based on anticipated traffic;
  - iii) The number and location of access points to the site are inadequate and incapable of functioning safely and efficiently;
  - iv) Where development is dependent upon other matters occurring first, such as the consolidation of land ownership to ensure the orderly development of the project

and/or the securing of funding for infrastructure, parks, services or outstanding application processing fees;

- v) The need for a Site Plan agreement;
  - vi) The need for a Developer's Group/Front Ending Agreement; and,
  - vii) Supporting studies are required on matters related to traffic, soils, protection of any site features, environmental constraints or design features prior to development approval.
- c) Removal of the 'H' prefix will depend on meeting the specific Town conditions identified by the holding zone by-law.

### **B1.6.13 Plans of Subdivision/Condominium**

- a) Plans of subdivision/condominium shall only be recommended for approval which:
- i) Conform with the policies and designations of the Official Plan and this Secondary Plan;
  - ii) Can be provided with adequate services and facilities as required by the policies of the Official Plan and this Secondary Plan;
  - iii) Are not premature and are in the best interest of the municipality; and,
  - iv) Have regard for the design guidelines appended to this Secondary Plan.

#### **B1.6.13.1 Consents**

Subdivision of land shall generally take place by plan of subdivision. Consents shall only be permitted for technical or legal purposes; or, where the municipality is satisfied that the consent will not prejudice the ultimate subdivision of land or the principles set out in the Official Plan or this Secondary Plan.

### **B1.6.14 Interpretation**

- a) This Secondary Plan is a statement of municipal policy. It is intended as a guide to the development of the Secondary Plan Area. Some flexibility in interpretation is permitted without the need for an Official Plan Amendment, provided the general intent of the policies and principles of this Plan are maintained;
- b) Development within the community shall be subject to all the policies of this Secondary Plan and any applicable policies of the parent Official Plan. However, where there is a conflict between this Secondary Plan and the parent Official Plan, the policies of this Secondary Plan shall apply;
- c) The designations identified on Schedule A3 are intended to show general areas and the boundaries are flexible and may vary without an Official Plan Amendment, except where designations are established by fixed boundaries such as existing roads or where specifically stated to be fixed in the policies of this Secondary Plan;
- d) Where lists or examples of permitted uses are provided, they are intended to indicate the possible range and type of uses that are to be considered. Specific uses not listed, but considered by the Town to be similar to the listed uses and to conform to

the general intent of the applicable land use designation may be recognized as a permitted use; and,

- e) Minor variations from numerical requirements in this Secondary Plan may be permitted without an Official Plan Amendment provided that the general intent of this Secondary Plan is maintained.

## **B1.7 EAST FONTHILL SECONDARY PLAN**

### **B1.7.1 Introduction**

- a) The lands subject to this Section of the Official Plan are identified on Schedule A4, Schedule A5 and Schedule A6, which are attached hereto and form part of this Official Plan;
- b) In addition to the identified Schedules and the following text, this Secondary Plan also includes the following appendices:
  - i) Appendix A – The Demonstration Plans;
  - ii) Appendix B – The Urban Design Guidelines;
  - iii) Appendix C – Environmental Features Mapping; and,
  - iv) Appendix D – Development Yield/Density Calculations.
- c) The purpose of this Section of the Official Plan – The East Fonthill Secondary Plan is to provide policies for a comprehensively planned community structure that protects natural heritage features and supports the existing Town Centre; one that is principled on Smart Growth, recognizes and responds to the policy initiatives of the Niagara of Region and the Province of Ontario while establishing a comfortable and attractive community with a full range of housing types and commercial and community facilities. It is expected that this Plan will be substantially built-out by the year 2031; and,
- d) The East Fonthill Secondary Plan has been prepared in conjunction with the Official Plan of the Town of Pelham. Unless otherwise specifically identified, all of the policies of the Official Plan apply to this Secondary Plan. Where there is a conflict between the policies of this Secondary Plan and any other policies of this Official Plan, the policies of this Secondary Plan shall apply.

### **B1.7.2 Community Structure**

- a) Schedule A4 identifies the planned community structure. The community structure is comprised of the following elements:
  - i) *Four Residential Neighbourhoods* – Four Residential Neighbourhoods are identified. Each of these Neighbourhoods is planned to contribute to the overall housing mix and density targets of the community. Policies permit the introduction of neighbourhood-serving retail commercial and institutional land uses within each neighbourhood;
  - ii) *The Commercial/Employment Centre* – The Commercial/Employment Centre is expected to develop as a mixed-use community with a major retail centre and a

full range of employment and commercial uses, higher density residential uses and/or institutional uses and community facilities; and,

- iii) *The Greenlands System* – The Greenlands system includes linked natural heritage features, public parks, trails and stormwater management facilities. This system provides the overall structure of the Plan, and articulates the locations of the other elements of the community structure.
- b) Schedule A4 also indicates that the East Fonthill Secondary Plan Area includes lands within the “built boundary” and in “greenfield” areas. This is an important distinction because:
  - i) Lands within greenfield areas are subject to the Provincial minimum gross density requirement of 50 people and jobs per hectare, while lands within the built boundary are not subject to this requirement; and,
  - ii) In relation to growth management for the Town of Pelham, the growth allocation for lands within the built boundary are derived from the intensification category, while the growth allocation for greenfield lands comes from the greenfield category.

In an effort to establish an appropriate land use distribution and development pattern, the approach taken to preparing this Secondary Plan has been to achieve the minimum gross density of 50 people and jobs per hectare overall across the entire Secondary Plan Area.

The phasing of development in both “intensification” and “greenfield” categories is addressed to ensure the Plan meets the policies of Province and the Region.

### **B1.7.3 Plan Objectives**

#### **B1.7.3.1 General Development Objectives**

These development objectives provide the framework for planning and development within the Secondary Plan Area by both the public and private sectors. The objectives will be implemented by the mechanisms set out in this Plan, including the implementing Zoning By-law and Site Plan Approvals.

The development objectives of this Plan are:

- a) To ensure that the community is developed with a compact urban form and at an appropriate scale that is pedestrian-oriented and fosters community interaction;
- b) To ensure a well-designed, attractive, pedestrian-and bicycle-friendly community that includes an appropriate mixture of housing types, as well as locally focused retail/commercial uses and places of worship;
- c) To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;
- d) To create a complete community with a safe, healthy and functional environment that can accommodate between 6,500 and 7,500 new residents and jobs combined;
- e) To require that both the intensification and greenfield components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare;



- f) To provide a land use and community structure that supports the existing historic downtown and associated Town Centre of Fonthill;
- g) To provide for significant retail commercial development within the Secondary Plan Area, while, at the same time protecting the planned function of the historic downtown;
- h) To provide a connected Greenlands System that comprises natural features, stormwater management facilities, streets, and varying sizes of public parks and parkettes. The integrated open space system shall provide access to the Steve Bauer Trail while also providing opportunities for exposure to the environmental assets of the community, while ensuring the conservation and enhancement of significant natural features;
- i) To ensure the Rose Little Woodlot and Kunda Park Forest will continue to be protected and that other significant natural heritage features and their functions are appropriately conserved and enhanced;
- j) To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces, capable of performing a supporting role to the open space network;
- k) To develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;
- l) To provide a hierarchy of collector and local roads that is based on a connected modified grid network that accommodates all modes of travel and that reflects and responds to the natural features of the community;
- m) To ensure that all new development occurs on the basis of full urban water and sanitary sewer facilities, as well as adequate utility networks;
- n) To ensure that stormwater management facilities are designed as special features and part of the overall Greenlands System;
- o) To phase development in a logical and cost effective manner, without any undue financial burden on the existing taxpayers of the Town of Pelham; and,
- p) To ensure that benefiting development interests and/or landowners are bound financially through appropriate mechanisms, and are committed to ensuring that the required service infrastructure and community structure elements are put in place in advance of, or concurrent with the commencement of development.

### **B1.7.3.2 Affordable Housing**

- a) It is the objective of this Plan that a minimum 25% of all new residential development within the East Fonthill Secondary Plan Area meet the Provincial definition of affordable housing. Affordable housing may be achieved by:
  - i) Promoting higher density housing forms, where housing is more affordable due to the reduced per unit land costs;
  - ii) Building smaller units, where housing is more affordable due to lower development and/or redevelopment costs;
  - iii) Applying government grants and/or subsidies, including land dedication, that will reduce overall development costs;

- iv) Waiving or reducing municipal permit fees, taxes and/or development fees; and,
  - v) Encouraging the development of accessory apartments/secondary suites.
- b) The Town will work with other government agencies and the private sector, to promote innovative housing forms, development techniques, and incentives that will facilitate the provision of affordable housing; and,
  - c) Affordable housing will be encouraged to locate in proximity to local community facilities and existing or potential public transit routes and active transportation facilities.

## **B1.7.4 Design Policies**

### **B1.7.4.1 Demonstration Plans**

- a) Demonstration Plans have been prepared and are attached to this Plan as Appendix A. The Demonstration Plans articulate a response to the policies of this Plan and the associated Urban Design Guidelines. They provide a detailed land use distribution and road pattern, as well as defining an open space and trails network;
- b) The Demonstration Plans are intended to act as a guideline for successive development and approval processes that are required to implement this Plan, particularly zoning, required Master Plans and Draft Plans of Subdivision/Condominium; and,
- c) All development within the East Fonthill Secondary Plan Area shall be generally consistent with the Demonstration Plans attached to this Plan as Appendix A. Adjustments and further refinements to the Demonstration Plans are anticipated and shall not require an Amendment to this Plan, provided that the intent and general design approach inherent to the Demonstration Plans are achieved to the satisfaction of the Town.

### **B1.7.4.2 Urban Design Guidelines**

- a) This Plan includes Urban Design Guidelines, which are attached as Appendix B. The intent of the Urban Design Guidelines is to promote an appropriate built form and public realm within the Secondary Plan Area. The Urban Design Guidelines function as an implementation tool for successive development and approval processes that are required to implement this Plan, particularly zoning, required Master Plans and Draft Plans of Subdivision/Condominium; and,
- b) All development within the Secondary Plan Area shall be generally consistent with the Urban Design Guidelines attached to this Plan as Appendix B. Adjustments and further refinements to the Urban Design Guidelines are anticipated and shall not require an Amendment to this Plan, provided that the intent and general design approach inherent to the Urban Design Guidelines are achieved to the satisfaction of the Town.

### **B1.7.4.3 General Site Development Criteria**

- a) The Town shall ensure that the following general site development criteria are implemented in all new development:

- i) Buildings shall be street-front oriented and provide direct street access for pedestrians;
- ii) Large scale automobile parking areas shall generally be sited to the side or rear of buildings, or, preferably below grade. The softening of the impact of the large areas of surface parking through building orientation, boulevard landscaping treatments and landscaped islands is required;
- iii) Residential driveway access will not be permitted on Highway 20 and Regional Road 54.
- iv) With the exception of single-detached and semi-detached dwelling units and townhouse units, all new development shall provide outdoor bicycle racks at their main entrance. In locations with minimal setbacks where there is insufficient space for bicycle racks at the main building entrance, bicycle racks may be provided at an alternate location in proximity to the entrance that is convenient and highly visible. Covered or secure indoor bicycle parking, and other end of trip facilities such as showers and change rooms, are also encouraged by the Town.
- v) Compatibility between different land uses and scales of buildings shall be achieved through appropriate siting, design and landscape treatment;
- vi) The Zoning By-law will specify requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to enhance the “greening” of the community which shall be applied in all new development;
- vii) High quality landscape treatment shall be provided throughout the Secondary Plan Area;
- viii) Building form and siting shall minimize the impacts of noise, wind and shadows on adjacent properties and shall enhance views of landmark buildings and all components of the Greenlands System;
- ix) High density development shall generally be adjacent to:
  - Arterial roads and/or Collector Main Streets;
  - Retail and service commercial uses;
  - Community facilities; and,
  - Public open space areas.
- x) Where a proposed non-residential use abuts or is proximate to an existing or proposed residential land use, fencing, landscaping, berming or a combination of these design elements will be utilized to ensure that there is adequate screening between the uses;
- xi) Loading areas, and outdoor and fully enclosed refuse collection areas, shall be unobtrusive and screened and shall generally be located at the side or the rear of buildings;
- xii) Rooftop equipment shall be unobtrusive, architecturally incorporated into the design of the building and/or screened from view;

- xiii) No open storage is permitted except as permitted under the Zoning By-law. Where open storage is permitted, it shall be unobtrusive and screened, and shall generally be located at the side or the rear of the building; and,
- xiv) Common vehicular access and internal circulation including service lanes connecting abutting properties and/or developments shall be provided wherever possible.

#### **B1.7.4.4 Crime Prevention Through Environmental Design (CPTED)**

- a) The Town will promote building and site design that assist in the reduction of the incidence of crime through the implementation of Crime Prevention Through Environmental Design (CPTED) principles including natural surveillance, natural access control, territorial reinforcement and space assessment; and,
- b) The Town shall have regard for the principles of CPTED in their review of all development applications.

#### **B1.7.4.5 Sustainable Design/Green Building**

- a) The overall development pattern within the Secondary Plan Area has been developed with regard to the principles of LEED-ND (Leadership in Energy and Environmental Design – Canada) as they have evolved;
- b) To encourage that all new buildings achieve 20% greater water conservation efficiency than required by the Ontario Building Code;
- c) All new development, with the exception of residential buildings containing less than 25 dwelling units, must be built to the following requirements for sustainability:
  - i) LEED Silver, or equivalent alternative, prior to and including 2021; and,
  - ii) LEED Gold, or equivalent alternative, from 2022 up to and beyond 2031.
- d) To encourage all new development to be built to the following requirements for sustainability:
  - i) Grade-related (3 storeys or less) residential buildings achieve a minimum performance level that is equal to an ENERGY STAR® standard; and,
  - ii) Mid- and high-rise (4 storeys and greater) residential and non-residential buildings shall be designed to achieve 25% greater energy efficiency than the Model National Energy Code for Buildings.

### **B1.7.5 Phasing Policies**

#### **B1.7.5.1 Residential Neighbourhoods Phasing Policies**

- a) There are a total of four residential neighbourhoods identified on Schedule A4. These neighbourhoods are generally delineated on the basis of sub-watershed boundaries, or other physical plan components, and typically include at least one stormwater management facility;
- b) In total, the four residential neighbourhoods are expected to generate approximately 5,350 people and jobs. That development yield is further subdivided into Greenfield

development, representing approximately 3,700 people and jobs, and development through intensification, representing approximately 1,650 people and jobs. The development yield calculations, and the inherent assumptions therein are provided in Appendix D;

- c) Overall, the four residential neighbourhoods are expected to achieve a gross density of 50 persons and jobs combined per hectare. In this regard, gross density is defined as the development yield divided by the gross land area. Gross land area is the total land area, less those lands designated *Environmental Protection One* and *Environmental Protection Two* on Schedule A5;
- d) The expected development yield may increase, subject to the final delineation of the *Environmental Protection Two* designation through the Environmental Impact Study (EIS) process, without the need for a further Amendment to this Secondary Plan. However the minimum density requirement of 50 persons and jobs combined per gross hectare shall always be achieved on the identified greenfield lands;
- e) The Town shall carefully monitor residential growth within the East Fonthill Secondary Plan Area. Development phasing will be established based on population growth over time, in conjunction with the ability of the Town to pay for infrastructure development costs as required. The total population growth within the Residential Neighbourhoods shall be limited within the Secondary Plan Area by the establishment of the following development caps:
  - i) To 2021, up to a total maximum of 3,000 residents and jobs combined;
  - ii) To 2026, up to a total maximum of 4,500 residents and jobs combined; and,
  - iii) To 2031, up to 5,350 residents and jobs combined.
- f) The Town reserves the right to make modifications to the numerical development caps identified above to ensure a logical progression of growth that:
  - i) Maximizes an efficient development pattern, the cost-effective use of infrastructure investment, and avoids temporary infrastructure development solutions;
  - ii) Ensures the early development of public parkland components of the Plan;
  - iii) Includes the adequate expansion of, and improvements to, the road network, water and wastewater services;
  - iv) Ensures that a full range and mix of housing types, including house forms that have the potential to be affordable, is developed in a timely manner; and,
  - v) Is fiscally responsible and does not place an undue tax burden on the existing residents and businesses within the Town.
- g) The Town may make modifications to the numerical development caps without the need for an Official Plan Amendment, subject to approval by the Region.

### **B1.7.5.2 Commercial/Employment Centre Phasing Policies**

- a) It is the intent of this Plan to support the function of the historic downtown, and to protect it from the immediate impacts of competition from the development of a major retail commercial centre within the East Fonthill Secondary Plan Area. This protection for the historic downtown will be provided through the application of:

- i) Restrictions on small-scale retail and service commercial uses within the EF-Mixed Use and EF-Urban Highway Commercial designations; and,
  - ii) Caps on the overall amount of retail and service commercial floor-space that are linked to residential growth within the East Fonthill Secondary Plan Area.
- b) Much of the historic downtown is comprised of retail and service commercial uses with less than 300 square metres of Gross Leasable Floor Space, with many at 150 square metres or less. As such, this Plan will include policies that are intended to protect those small scale uses from the impacts of new retail and service commercial development within the Commercial/Employment Centre of the East Fonthill Secondary Plan Area;
- c) The Commercial /Employment Centre identified on Schedule A4 is expected to generate a minimum of 1,190 people and jobs combined per gross hectare. This development yield is based on a minimum gross density of 50 persons and jobs combined per gross hectare. Gross hectare is defined as the total land area of the Secondary Plan Area, less those lands designated Environmental Protection One and Environmental Protection Two. The development yield calculations, and the inherent assumptions therein, are provided in Appendix D;
- d) 100% of the expected development yield for the Commercial/Employment Centre – 1,190 people and jobs combined are to be achieved through Greenfield development. The greenfield development component of this Plan is required to achieve a minimum density of 50 persons and jobs combined per gross hectare, and is expected to build out within the twenty-year timeframe of this Plan;
- e) The Town shall carefully monitor growth within the East Fonthill Secondary Plan Area. Development Phasing will be established based on growth over time, in conjunction with the ability of the Town to pay for infrastructure development costs as required. The total growth within the Commercial/Employment Centre shall be limited through the implementation of the following caps on development:
- i) To 2021, up to a total maximum of 785 residents and jobs combined; and,
  - ii) To 2031, up to 1,190 residents and jobs combined.
- f) The Town reserves the right to make modifications to the numerical development caps identified above to ensure appropriate synergies among the various land uses, and a logical progression of growth that:
- i) Maximizes an efficient development pattern, the cost-effective use of infrastructure investment, and avoids temporary infrastructure development solutions;
  - ii) Includes the adequate expansion of, and improvements to, the road network, water and wastewater services; and,
  - iii) Is fiscally responsible and does not place an undue tax burden on the existing residents and businesses within the Town.
- g) The Town may make modifications to the numerical development caps without the need for an Official Plan Amendment, subject to approval by the Region;
- h) While it is intended that development of retail and service commercial development be carefully managed, other permitted uses within the EF-Mixed Use and EF-Urban

Highway Commercial designations shall be permitted to be developed without regard to the phasing policies for Residential Neighbourhoods identified in this Plan;

- i) Where retail commercial Gross Leasable Floor Area exceeds 40,000 square metres on lands within the identified Commercial/Employment Centre, a Retail Commercial Market Impact Analysis shall be required to support additional retail commercial development:
  - i) A required Retail Commercial Market Impact Analysis shall consider the supply of retail commercial space within the market area versus the demand for additional space vis a vis the growing local population, and/or on-going commercial spending leakage to adjacent municipalities. In addition, impacts on the historic downtown shall be quantified, considered and appropriately mitigated. A required Retail Commercial Market Impact Analysis shall be prepared by a qualified consultant to the satisfaction of the Town, in consultation with the Region.
- j) In order to achieve the minimum density targets of this Plan, the Town will not approve any development application that compromises the ability of the Town to achieve the expressed targets throughout the East Fonthill Secondary Plan Area. As such, prior to the approval of any application for Plan of Subdivision and/or Zoning By-law Amendment, the proponent shall demonstrate how the proposal contributes to the minimum gross density targets of this Plan. Proponents shall provide a population and employment density table and/or plan that geographically distributes development forms/types, lot sizes and densities based on the objectives and policies of this Plan.

## **B1.7.6 Land Use Designations**

- a) Land use is divided into nine categories, as shown on Schedule A5, with policies established for each category. The categories include:

### ***The Residential Neighbourhoods***

- i) EF-Low Density Residential;
- ii) EF-Medium Density Residential;
- iii) EF-High/Medium Density Residential;

### ***The Commercial/Employment Centre***

- iv) EF-Mixed-Use;
- v) EF-Urban Highway Commercial;

### ***The Greenlands System***

- vi) Environmental Protection Area One;
- vii) Environmental Protection Area Two;
- viii) Public Parkland; and,
- ix) Stormwater Management Facilities.

- b) The boundaries of land use designations, as shown on Schedule A5, are intended to be general and approximate, unless they coincide with a road, lot line, utility corridor or prominent physical feature. Adjustments to the approximate location of land use

boundaries may be permitted without the need for an Official Plan Amendment provided the general intent of the Official Plan and this Secondary Plan are maintained. Similarly, adjustments may be made in the location of streets, trails and bikeways provided the general intent of the Secondary Plan is maintained.

## **B1.7.7 The Residential Neighbourhoods**

### **B1.7.7.1 Intent**

It is the intent of the Town to establish 4 Residential Neighbourhoods within the East Fonthill Secondary Plan Area, as identified on Schedule A4. On those lands it is the intent of the Town to promote the development of complete communities through an appropriate housing mix, access to neighbourhood retail services, and pedestrian-oriented street design. The 4 Neighbourhoods will be connected to the Greenlands System and achieve an overall minimum density of at least 50 persons and jobs combined per gross hectare within a safe, healthy and functional environment.

### **B1.7.7.2 General Policies**

- a) In order to achieve the minimum density targets of this Plan, the Town will not approve any development application that compromises the ability of the Town to achieve the expressed density targets throughout the East Fonthill Secondary Plan Area. As such, prior to the approval of any application for Plan of Subdivision and/or Zoning By-law Amendment, the proponent shall demonstrate how the proposed development contributes to density targets of this Plan;
- b) Prior to the approval of any development application, proponents shall provide a housing mix and density plan that geographically distributes housing forms/types, lot sizes and densities based on the objectives and policies of this Plan. The following minimum density targets shall be achieved within each neighbourhood:
  - i) Neighbourhood 1 shall achieve an overall minimum density of approximately 57 persons and jobs per gross hectare combined;
  - ii) Neighbourhood 2 shall achieve an overall minimum gross density of approximately 53 persons and jobs per hectare combined;
  - iii) Neighbourhood 3 shall achieve an overall minimum gross density of approximately 43 persons and jobs per hectare combined; and,
  - iv) Neighbourhood 4 shall achieve an overall minimum gross density of approximately 40 persons and jobs per hectare combined.
- c) The purpose of the variable density targets for each individual neighbourhood is to ensure the minimum density target of 50 persons and jobs combined per gross hectare is achieved over the entire community. These density targets are derived from the data provided in Appendix D;
- d) A Neighbourhood Master Plan will be prepared for each of the four Residential Neighbourhoods. The required Neighbourhood Master Plan shall include the entire neighbourhood as identified on Schedule A4, and shall include the following components:



- i) *Road, Block and Land Use Plan* – The Road, Block and Land Use Plan will identify the conceptual layout of the Site, including the distribution of land uses and building heights. This Plan will provide enough detail to ensure that the minimum overall density assigned to each of the Neighbourhoods has been achieved;
  - ii) *Streetscape and Open Space Plan* – The Streetscape and Open Space Plan will identify the function, design and treatment of all the internal road types. It will identify the location of all public sidewalks, on-street bikeways, and the various components of the open space system and trails network, and the integration of these facilities with existing, proposed and future land uses. The Streetscape and Open Space Plan will identify the linkages between proposed parks and parkettes;
  - iii) *Urban Design and Architectural Control Guidelines* – The Urban Design and Architectural Control Guidelines will provide more detail and implement the Urban Design Guidelines attached to this Plan as Appendix B, and any other applicable policies of this Plan. These Guidelines will articulate building height, massing and form, building setbacks, the arrangement of buildings on lots and the treatment of on-site parking. In addition, the urban and architectural control guidelines will identify the location and design treatment of landmark architectural features and architectural design requirements for all buildings, including landscape elements;
  - iv) *Servicing Plan* – The Servicing Plan shall include, but shall not be limited to, technical details regarding the provision of water, wastewater, stormwater management and public and/or private utilities; and,
  - v) *Environmental Impact Study* – An Environmental Impact Study (EIS), where required by the policies of the Official Plan. The required EIS shall include the contiguous lands of participating landowners.
- e) The Demonstration Plans provided in Appendix A and the Urban Design Guidelines provided in Appendix B, attached, may constitute the Road, Block and Land Use Plan, the Streetscape and Open Space Plan and the Urban Design Guidelines components of the Neighbourhood Master Plan, if the proposed development is generally consistent with the Demonstration Plans and Urban Design Guidelines of Appendix A and B, to the satisfaction of the Town;
  - f) The Neighbourhood Master Plan shall form the basis of Draft Plan of Subdivision, implementing zoning, and/or Site Plan Approvals. Prior to development in any Residential Neighbourhood, the Town shall be satisfied that the Neighbourhood Master Plan has been completed, and all of the policies of this Plan have been appropriately fulfilled;
  - g) The Town may consider combining neighbourhoods, as long as all of the policies of this Plan can be achieved; and,
  - h) Within all residential designations, increases in density may be permitted, subject to a test of compatibility and design appropriateness, without Amendment to this Plan. The Town, in considering any increase in height and/or density may implement a height and/or density bonus by-law, utilizing the provisions of Section 37 of the *Planning Act*.

### **B1.7.7.3 EF-Low Density Residential**

#### *B1.7.7.3.1 Permitted Uses*

- a) The following uses are permitted within the EF-Low Density Residential designation:
  - i) Single detached and semi-detached dwelling units;
  - ii) Accessory apartments/secondary suites;
  - iii) Accessory buildings and structures related to the primary residential dwelling unit;
  - iv) Home occupations;
  - v) Places of worship;
  - vi) Day nurseries;
  - vii) Convenience retail and service commercial uses;
  - viii) Parks, parkettes and open space linkages; and,
  - ix) Public uses and public and private utilities.
- b) In addition to the permitted uses identified above, townhouses may be permitted and may constitute up to a maximum of 60% of the total number of dwelling units within any individual draft plan of subdivision; and,
- c) The implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the EF-Low Density Residential designation.

#### *B1.7.7.3.2 Development Policies*

- a) For single-detached units, density shall range from a minimum of 10 units per net hectare up to 30 units per net hectare;
- b) For semi-detached units, density shall range from a minimum of 20 units per net hectare, up to 40 units per net hectare;
- c) Permitted street townhouse dwellings shall be developed at densities ranging from a minimum of 20 units per net hectare up to 50 units per net hectare;
- d) The maximum building height for any building within the EF-Low Density Residential designation shall be 3 storeys, or 10.5 metres, whichever is less;
- e) Places of worship and day nurseries shall only be permitted within the EF-Low Density Residential designation through a Site Specific Zoning By-Law Amendment process, provided that they:
  - i) Have a minimum lot size of 0.75 of a hectare;
  - ii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
  - iii) Are located near the intersection of two public roads, at least one of which is a Collector Main Street.

Further, the landmark, or steeple component of a Place of Worship may be permitted to exceed the 10 metres height limitation, subject to approval by the Town, through the required Site Specific Zoning By-law Amendment process.

- f) Convenience retail and service commercial uses shall only be permitted within the EF-Low Density Residential designation through a Site Specific Zoning By-Law Amendment process, and provided that they:
  - i) Are limited in size to 150 square metres per business;
  - ii) Include no more than 3 businesses on a lot;
  - iii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
  - iv) Are located at the intersection of two public roads, at least one of which is a Collector Main Street.

#### **B1.7.7.4 EF-Medium Density Residential**

##### *B1.7.7.4.1 Permitted Uses*

- a) The following uses are permitted within the EF-Medium Density Residential designation:
  - i) All forms of townhouse units;
  - ii) Small scale apartment buildings;
  - iii) Accessory apartments/secondary suites;
  - iv) Live-work units;
  - v) Housing for seniors and/or special needs housing;
  - vi) Accessory buildings and structures related to the primary residential dwelling unit;
  - vii) Home occupations;
  - viii) Places of worship;
  - ix) Day nurseries;
  - x) Convenience retail and service commercial uses;
  - xi) Parks, parkettes and open space linkages; and
  - xii) Public uses and public and private utilities.
- b) In addition to the permitted uses identified above, single and semi-detached dwellings may be permitted but may not constitute more than 15% of the total number of dwelling units within any individual draft plan of subdivision; and,
- c) The Implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the EF-Medium Density Residential designation.

##### *B1.7.7.4.2 Development Policies*

- a) Townhouse dwellings shall be developed at densities ranging from a minimum of 20 units per net hectare, up to 60 units per net hectare;
- b) Small scale apartment buildings shall be developed at densities ranging from a minimum of 35 units per net hectare, up to 75 units per net hectare;

- c) Permitted singles and semi-detached dwellings shall be developed at densities ranging from a minimum of 20 units per net hectare up to 50 units per net hectare;
- d) The maximum building height for any building within the EF-Medium Density Residential designation shall be 5 storeys or 17 metres, whichever is less, and may include a 4 metre minimum height requirement on the first floor to accommodate live-work units;
- e) Places of worship and day nurseries shall only be permitted within the EF-Medium Density Residential designation through a Site Specific Zoning By-Law Amendment process, provided that they:
  - i) Have a minimum lot size of 0.75 of a hectare;
  - ii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
  - iii) Are located near the intersection of two public roads, at least one of which is a Collector Main Street.

Further, the landmark, or steeple component of a Place of Worship may be permitted to exceed the 17 metres height limitation, subject to approval by the Town through the required Site Specific Zoning By-law Amendment process.

- f) Convenience retail and service commercial uses shall only be permitted within the EF-Medium Density Residential designation through a Site Specific Zoning By-Law Amendment process, provided that they:
  - i) Are limited in size to 150 square metres per business;
  - ii) include no more than 3 businesses on a lot;
  - iii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
  - iv) Are located at the intersection of two public roads, at least one of which is a Collector Main Street.
- g) Where a convenience and/or service commercial use is proposed on the ground floor of a permitted residential use within the EF-Medium Density Residential designation, the Town shall ensure an appropriate residential-commercial interface within the building and on the site, through the rezoning and Site Plan Control processes;
- h) Development on the basis of public or private lanes is encouraged and may be required where dwelling units front onto a Collector Main Street. Development on the basis of public or private lanes may be permitted where dwelling units front onto a Local Road, subject to confirmation of the technical requirements by the Town; and,
- i) Schedule A5 identifies symbolically a location for a potential apartment building. In general proximity to that symbol, one apartment building may be developed, subject to Policy B1.7.7.5 of this Plan, and the following criteria:
  - i) The site is located at the intersection of two public roads, at least one of which is designated as a collector; and,
  - ii) The site does not exceed 10,000 square metres in size.

## **B1.7.7.5 EF-High/Medium Density Residential**

### *B1.7.7.5.1 Permitted Uses*

- a) The following uses are permitted within the EF-High/Medium Density Residential designation:
  - i) Apartment buildings and Townhouses;
  - ii) Housing for seniors and/or special needs housing;
  - iii) Accessory buildings and structures related to the primary residential dwelling unit;
  - iv) Live-work units;
  - v) Places of worship;
  - vi) Day nurseries;
  - vii) Convenience retail and service commercial uses;
  - viii) Parks, parkettes and open space linkages; and,
  - ix) Public uses and public and private utilities.
- b) The Implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the EF-High/Medium Density Residential designation.

### *B1.7.7.5.2 Development Policies*

- a) Apartment buildings shall be developed at densities ranging from a minimum of 35 units per net hectare, up to 160 units per net hectare;
- b) Townhouse dwellings shall be developed at densities ranging from a minimum of 30 units per net hectare, up to 60 units per net hectare;
- c) The minimum building height for any Townhouse building shall be 2 storeys, or 7.0 metres, and any Apartment building within the EF-High/Medium Density Residential designation shall be 3 storeys, or 11.0 metres, whichever is greater. The maximum building height for any building within the EF-High/Medium Density Residential designation shall be 10 storeys, or 35 metres, whichever is less. The height of the first floor of all buildings within the EF-High/Medium Density Residential designation shall be a minimum of 4 metres to accommodate live-work units;
- d) Places of worship and day nurseries shall only be permitted within the EF-High/Medium Density Residential designation through a Site Specific Zoning By-Law Amendment process, provided that they:
  - i) Have a minimum lot size of 0.75 of a hectare;
  - ii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
  - iii) Are located near the intersection of two public roads, at least one of which is a Collector Main Street.

- e) Convenience and service commercial uses shall only be permitted within the EF-High/Medium Density Residential designation through a Site Specific Zoning By-Law Amendment process, provided that they:
  - i) Are limited in size to 150 square metres per business;
  - ii) include no more than 3 businesses on a lot;
  - iii) Are compatible with adjacent properties in terms of aesthetics, privacy, sun-shadowing, noise and/or other impacts; and,
  - iv) Are located at the intersection of two public roads, at least one of which is a Collector Main Street.
- f) Where a convenience and/or service commercial use is proposed on the ground floor of a permitted residential use within the EF-High/Medium Density Residential designation, the Town shall ensure an appropriate residential-commercial interface within the building and on the site, through the rezoning and Site Plan Control processes;
- g) Development on the basis of public or private lanes is preferred and may be required where dwelling units front onto a Collector Main Street. Development on the basis of public or private lanes may be permitted where dwelling units front onto a public Local Road, subject to confirmation of the technical requirements by the Town; and,
- h) Where buildings are proposed within the EF-High/Medium Density Residential that abuts any other lower density residential designation, the higher density development shall be designed to ensure development compatibility such that the amenity of the lower density residential area is maintained or protected. Site design considerations may include:
  - i) Increased setbacks;
  - ii) Sensitive building siting;
  - iii) Provision of landscaped buffers;
  - iv) Angular planes or other mechanisms that control of the scale of development;
  - v) The requirement for structured parking and/or the provision of parking areas that do not dominate the site physically and visually;
  - vi) The location, pattern, and style of entranceways, windows, balconies, and other architectural details; and,
  - vii) The location, pattern, and style of loading bays, and refuse containers.

## **B1.7.8 The Commercial/Employment Centre**

### **B1.7.8.1 Intent**

- a) The Commercial/Employment Centre includes lands designated EF-Mixed Use and EF-Urban Highway Commercial on Schedule A5. On those lands, it is the intent of the Town to promote a variety of retail commercial facilities, office and institutional uses, residential uses and community uses in a form that mixes those uses within buildings and on the site. Stand-alone and mixed-use buildings will be permitted;

- b) It is also the intent of the Town to:
  - i) Ensure a vibrant, inviting and appealing atmosphere on these lands that will attract residents and new businesses, encourage walking and cycling and resonate with visitors a positive image of Fonthill;
  - ii) Facilitate the development of a major new a major new shopping destination;
  - iii) Ensure that development within the Centre is comprehensively planned to ensure that the impacts of servicing, access, loading and parking can be adequately addressed;
  - iv) Ensure that the required minimum density of 50 persons and jobs combined per gross hectare is achieved within the Commercial/Employment Centre; and,
  - v) Ensure that leading-edge telecommunication services are in place through discussions with telecommunications providers to attract knowledge-based industries and support the technological advancement and growth of existing businesses.

### **B1.7.8.2 General Policies**

- a) Within the Commercial/Employment Centre a Site Master Plan will be prepared for each of the two land use designations. The Site Master Plan shall include the following components:
  - i) *Road, Block and Land Use Plan* – The Road, Block and Land Use Plan will identify the conceptual layout of the Site, including the distribution of land uses, building foot prints, parking and loading areas, and building heights. This Plan will provide enough detail to ensure that the minimum overall density assigned to each of the designations has been achieved;
  - ii) *Streetscape and Open Space Plan* – The Streetscape and Open Space Plan will identify the function, design and treatment of all the internal road types. It will identify the location of all public sidewalks, on-street bikeways, and the various components of the open space system, and the integration of these facilities with existing, proposed and future land uses. The Streetscape and Open Space Plan will identify linkages between proposed parks and parkettes;
  - iii) *Urban Design and Architectural Control Guidelines* – The Urban Design and Architectural Control Guidelines will provide more detail and implement the Urban Design Guidelines attached to this Plan as Appendix B, and any other applicable policies of this Plan. These Guidelines will articulate building height, massing and form, building setbacks, the arrangement of buildings on lots and the treatment of on-site parking. In addition, the urban and architectural control guidelines will identify the location and design treatment of landmark architectural features and architectural design requirements for all buildings, including landscape elements;
  - iv) *Servicing Plan* – The Servicing Plan shall include, but shall not be limited to, the details regarding the provision of water, wastewater, stormwater management and public and/or private utilities; and,
  - v) *Environmental Impact Study* – An Environmental Impact Study (EIS) where required by the policies of the Official Plan.

- b) Subject to agreement by the Town, the requirement for two Site Master Plans may be reduced to a single Site Master Plan that combines both land use designations, as long as all of the policies of this Plan are achieved;
- c) Prior to considering an application for Zoning By-law Amendment and/or Site Plan approval, Council shall be satisfied that:
  - i) Adequate parking for automobiles and bicycles and loading facilities are provided on the site;
  - ii) Buildings located at the entrance points to the Fonthill Urban Area or at the intersection of any Collector Main Street and Highway 20, such buildings are designed to provide or maintain a desirable gateway to the community;
  - iii) New or redeveloping uses incorporate landscaping to enhance the site and surrounding areas;
  - iv) Outdoor storage areas, where permitted, are substantially screened from view from passing traffic; and,
  - v) All options respecting shared access from the road are reviewed and implemented, if feasible.
- d) Based on the mixed-use nature of the Commercial/Employment Centre, typical parking requirements may be reduced and shared parking considered in recognition of the parking efficiencies offered by mixed-use development forms. The minimum and maximum parking standards throughout the Commercial/Employment Centre are:
  - i) For Residential uses – 1.00 to 1.25 spaces/unit. Seniors housing will have a minimum of 0.75 spaces/unit.
  - ii) For all Office uses – 2.75 to 3.25 spaces/100 m<sup>2</sup>.
  - iii) For all Retail and Service Commercial uses – 4.25 to 5.25 spaces/100 m<sup>2</sup> of Gross Leasable Floor Area.
- e) Community Improvement Plan – All lands within the EF-Urban Highway Commercial designation and the EF-Mixed Use designation are identified as within a Community Improvement Area. The Town shall consider the preparation of a Community Improvement Plan in order to establish a vision for the area, identify public realm improvement priorities and establish incentive programs to assist the private sector in improving their properties. The qualification criteria for any proposed incentive program shall include the requirement that the lands be included within the Downtown Fonthill Business Improvement Area; and,
- f) Downtown Fonthill Business Improvement Area – All lands within the EF-Urban Highway Commercial designation and EF-Mixed Use designation, should, over time, be considered for inclusion within the boundaries of the Downtown Business Improvement Area.



### **B1.7.8.3 EF-Mixed Use**

#### *B1.7.8.3.1 Permitted Uses*

- a) Buildings within the EF-Mixed Use designation are encouraged to accommodate an array of uses. This mixture of uses is encouraged not just within the designation in general, but also on individual development sites, and within individual buildings. High activity uses that animate the streetscape and encourage foot traffic, such as retail uses, are encouraged at-grade and/or along the Arterial and Collector Road frontages, with uses such as offices, recreational, cultural and residential uses on second floors and above and/or behind the street-related facade. Office and other appropriate employment uses shall be encouraged above grade in mixed-use buildings located throughout the EF-Mixed Use designation, and in single-use buildings that are located off Arterial or Collector Road frontages;
- b) The following uses/mixture of uses are permitted within the EF-Mixed-Use designation:
  - i) Commercial, professional and/or government offices;
  - ii) Research and data processing facilities;
  - iii) Retail commercial uses including retail stores, restaurants and personal services, with Gross Leasable Floor Areas greater than 150 square metres. Retail commercial uses with a Gross Leasable Floor Area of between 100 and 150 square metres may be considered by the Town, subject to an analysis that indicates that the proposed use will not have a detrimental impact on any existing use within the historic commercial core of Fonthill, to the satisfaction of Council;
  - iv) Space extensive retail uses such as:
    - Automotive related products;
    - Large and bulky goods such as furniture and appliances;
    - Home improvement materials;
    - Supermarkets;
    - Hardware; and,
    - Nursery or garden supply products;
  - v) Hotels and tourist accommodations;
  - vi) Conference centres;
  - vii) Cultural, recreational and entertainment uses;
  - viii) Public and private institutional uses;
  - ix) Live-work units;
  - x) Townhouses and apartment buildings;
  - xi) Accessory apartments and/or secondary suites;

- xii) Housing for seniors and/or special needs housing;
  - xiii) Child care facilities;
  - xiv) Parking facilities at-grade and/or in structure;
  - xv) Cycling facilities;
  - xvi) Parks and parkettes; and,
  - xvii) Public uses and public and private utilities.
- c) The Implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the EF-Mixed Use designation.

**B1.7.8.3.2**      *Development Policies*

- a) It is recognized that the entire site will be developed over a relatively long period of time. As such, minimum densities, whether the overall density, or individual site densities will be calculated on the basis of the required Site Master Plan, which will be phased over time. At build-out, the lands designated EF-Mixed Use are required to achieve a minimum density of 50 persons and jobs combined per gross hectare;
- b) Residential development shall be developed at densities ranging from a minimum of 35 units per net hectare, up to 160 units per net hectare;
- c) The minimum building height for any building within the EF-Mixed Use designation shall be 2 storeys, or 6.0 metres, whichever is greater. The maximum building height for any building within the EF-Mixed Use designation shall be 10 storeys, or 35 metres, whichever is less. The ground floor of any live-work unit, or any non-residential building shall be a minimum of 4.0 metres. An exception to the minimum height requirement may be considered by the Town to facilitate single-storey residential units that are part of a senior citizens housing complex;
- d) The maximum height of any new development may be increased to up to 12 storeys through the Height Bonus provisions provided under Section 37 of the *Planning Act*; and,
- e) Development within the EF-Mixed-Use designation shall only proceed on the basis of a Site Master Plan, which shall form the basis of an implementing Official Plan Amendment and Zoning By-law Amendment, followed by Site Plan Approval.

**B1.7.8.4**      **EF-Urban Highway Commercial**

**B1.7.8.4.1**      *Permitted Uses*

- a) Buildings within the EF-Urban Highway Commercial designation are encouraged to accommodate an array of uses. This mixture of uses is encouraged not just within the designation in general, but also on individual development sites, and within individual buildings. High activity uses that animate the streetscape and encourage foot traffic, like retail uses, are encouraged at-grade and/or along the Arterial and Collector Road frontages, with uses such as offices, recreational, cultural and residential uses on second floors and above and/or behind the street-related facade. Office and other appropriate employment uses shall be encouraged above grade in mixed-use buildings located throughout the EF-Urban Highway Commercial

designation, and in single-use buildings that are located off Arterial or Collector Road frontages;

- b) The following uses are permitted within the EF-Urban Highway Commercial designation:
- i) Commercial, professional and/or government offices;
  - ii) Research and data processing facilities;
  - iii) Retail commercial uses including retail stores, restaurants and personal services, with Gross Leasable Floor Areas greater than 150 square metres. Retail commercial uses with a Gross Leasable Floor Area of between 100 and 150 square metres may be considered by the Town, subject to an analysis that indicates that the proposed use will not have a detrimental impact on any existing use within the historic commercial core of Fonthill, to the satisfaction of Council;
  - iv) Space extensive retail uses such as:
    - Automotive related products;
    - Large and bulky goods such as furniture and appliances;
    - Home improvement materials;
    - Supermarkets;
    - Hardware; and,
    - Nursery or garden supply products;
  - v) Hotels and tourist accommodations;
  - vi) Conference centres;
  - vii) Cultural, recreational and entertainment uses;
  - viii) Public and private institutional uses;
  - ix) Live-work units;
  - x) Townhouses and apartment buildings;
  - xi) Accessory apartments/secondary suites;
  - xii) Housing for seniors and/or special needs housing;
  - xiii) Child care facilities;
  - xiv) Parking facilities at-grade and/or in structure;
  - xv) Cycling facilities;
  - xvi) Parks and parkettes; and,
  - xvii) Public uses and public and private utilities.
- c) The Implementing Zoning By-law may further refine the list of permitted and/or prohibited land uses within the EF-Urban Highway Commercial designation.

#### B1.7.8.4.2 *Development Policies*

- a) It is recognized that the entire site will be developed over a relatively long period of time. As such, minimum densities, whether the overall density, or individual site densities will be calculated on the basis of the required Master Site Plan, which will be phased over time. At build-out, the lands designated EF-Urban Highway Commercial are required to achieve a minimum density of 50 persons and jobs combined per gross hectare;
- b) Residential development shall be developed at densities ranging from a minimum of 35 units per net hectare, up to 160 units per net hectare;
- c) The minimum building height for any building within the EF-Urban Highway Commercial designation shall be 2 storeys, or 6.0 metres, whichever is greater. The maximum building height for any building within the EF-Mixed Use designation shall be 10 storeys, or 35 metres, whichever is less. The ground floor of any live-work unit, or any non-residential building shall be a minimum of 4.0 metres. An exception to the minimum height requirement may be considered by the Town to facilitate single-storey residential units that are part of a senior citizens housing complex;
- d) The maximum height of any new development may be increased to up to 12 storeys through the Height Bonus provisions provided under Section 37 of the *Planning Act*; and,
- e) Development within the EF-Urban Highway Commercial designation shall only proceed on the basis of a Site Master Plan which shall form the basis of an Implementing Zoning By-law Amendment, followed by Site Plan Approval.

### **B1.7.9 The Greenlands System**

#### **B1.7.9.1 Intent**

- a) It is the intent of the Town to establish a linked Greenlands System that also acts as a fundamental element of the urban structure of the East Fonthill community;
- b) The Greenlands System, as identified on Schedule A4 is comprised of the lands designated *Environmental Protection One*, *Environmental Protection Two*, *Public Parkland* and *Stormwater Management*. Schedule A5 identifies more specifically the locations for each of those designations;
- c) The inclusion of all the associated elements and related activities into an interconnected Greenlands System will protect and enhance natural heritage features and their associated functions and expand the recreational opportunities available to residents; and,
- d) Mapping of the identified significant natural heritage features are attached to this Plan as Appendix C.

#### **B1.7.9.2 Environmental Protection One (Regional Environmental Protection Area – EPA)**

The policies applicable to the lands designated *Environmental Protection One* on Schedule A5 are found in Section B3.2 of the Official Plan.

### **B1.7.9.3 Environmental Protection Two (Regional Environmental Conservation Area – ECA)**

The policies applicable to the lands designated *Environmental Protection Two* on Schedule A5 are found in Section B3.3 of the Official Plan.

### **B1.7.9.4 Public Parkland**

The policies applicable to the lands designated Public Parkland on Schedule A5 are found in Section D5.4 of the Official Plan. In addition to the policies of Section D5.4, it will be a requirement that Parkettes be widely distributed throughout the Secondary Plan Area to ensure easy access and multiple opportunities for rest, relaxation and visual interest. It is understood that some parkettes will cater to primarily a local resident population, while others will have a broader range of users and activities.

#### *B1.7.9.4.1 Parkettes in the Residential Neighbourhoods*

- a) The following policies apply to the establishment of parkettes throughout the Residential Neighbourhoods:
  - i) A parkette shall generally have a minimum frontage on the abutting sidewalk of 20 metres, and a minimum depth of 30 metres, and shall be developed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix A;
  - ii) Parkettes shall be designed to reinforce a high quality formalized relationship with its adjacent building use, streetscape and/or component of the Greenlands System;
  - iii) Large sites may include a single, large-scale parkette and/or a series of smaller parkettes; and,
  - iv) Landscape elements and features within the parkette shall be designed to define and articulate activity areas, circulation, entry points, seating and gathering areas.
- b) Parkettes within the Residential Neighbourhoods that are less than 0.4 of a hectare shall generally not contribute to the Town's parkland dedication requirements, and shall generally not be required or accepted by the Town. The Town may, however, consider accepting parkland parcels that are less than 0.4 of a hectare without amendment to this Secondary Plan, subject to specific approval by Council that is based on an understanding of the specific land parcel's contribution to the overall public parkland system within the East Fonthill Secondary Plan Area.
- c) Notwithstanding subsection b) above, the Town may deem that privately owned Parkland, that is greater than .02 of a hectare in size and is part of an apartment building condominium and/or townhouse condominium project, or part of a higher density mixed-use condominium project within the Residential Neighbourhoods, may fulfill all or part of the required parkland conveyance requirement, whether or not the land is actually conveyed to the Town, subject to the execution of an agreement satisfactory to the Town that ensures the following:
  - i) The park space is designed and built by the landowner to the satisfaction of the Town;
  - ii) The park space is maintained by the landowner to the satisfaction of the Town; and,

- iii) The landowner is made aware that the park space is to be considered as public park space and is to remain open and accessible to the public at all times.

*B1.7.9.4.2 Parkettes in the Commercial/Employment Centre*

- a) The following policy applies to the establishment of parkettes throughout the Commercial/Employment Centre:
  - i) All development applications on sites greater than 0.2 hectares in size shall include a location for a parkette. Parkettes are intended as formal pedestrian spaces, in support of the adjacent higher density, mixed use development;
  - ii) A parkette shall generally have a minimum frontage on the abutting sidewalk of 10 metres, and a minimum depth of 10 metres;
  - iii) Parkettes shall be designed to reinforce a high quality formalized relationship with its adjacent building use and streetscape;
  - iv) Large sites may include a single, large-scale parkette and/or a series of smaller parkettes; and,
  - v) Landscaping within the parkette shall be designed to define and articulate activity areas, circulation, entry points, seating and gathering areas.
- b) The Town may deem that privately owned parkettes fulfil all or part of the required parkland dedication, whether or not the land is dedicated to the Town, subject to the execution of an agreement that ensures the following:
  - i) The parkette is designed and built by the landowner to the satisfaction of the Town;
  - ii) The parkette is maintained by the landowner to the satisfaction of the Town; and,
  - iii) The owner(s) and/or the condominium corporation is made aware that the parkette is to be considered as a public space and is to be open and accessible to the public at all times.

*B1.7.9.4.3 Parkland Acquisition Tools*

- a) In addition to the policies of Section D5.4 of this Official Plan, the public parkland system as conceptually identified on the schedules to the East Fonthill Secondary Plan Area will be acquired by the following means:
  - i) The land acquisition powers authorized by public statutes, including the Planning Act, the Official Plan and this Secondary Plan;
  - ii) Funds allocated in the Town's budget, dedicated reserves in the Parkland Acquisition Account for the East Fonthill Secondary Plan Area, or joint acquisition programs;
  - iii) Voluntary conveyance, donations, gifts, bequests from individuals or corporations; and/or,
  - iv) Funds allocated by any authority having jurisdiction.

*B1.7.9.4.4 Requirements for the Conveyance of Parkland*

- a) In addition to the policies of Section D5.4 of this Official Plan, and as a condition of the development, redevelopment, or subdivision of land(s), the Town shall require that land be conveyed to the Town as follows:
  - i) For all industrial and commercial forms of development, the land requirement for parkland conveyance to the Town shall be a maximum of 2% of the gross land area;
  - ii) For residential forms of development, the land requirement for parkland conveyance to the Town shall be a maximum of 5% of the gross land area, or a maximum of 1 hectare of parkland for every 300 dwelling units, whichever is greater;
  - iii) For all other forms of development, except for commercial, industrial and residential development, the land requirement for parkland conveyance to the Town shall be a maximum of 5% of the gross land area; and,
  - iv) For development that includes a mixture of land uses, where no single use exceed 75 percent of the total gross floor area of the development proposal, the land requirement for parkland conveyance to the Town shall be a maximum of 2% of the gross land area.

*B1.7.9.4.5 Lands Suitable/Not Suitable for Conveyance*

- a) Lands not considered suitable for parkland conveyance shall be determined by the Town. Lands conveyed shall be free and clear of all encumbrances, including, but not limited to lands having:
  - i) Hazardous or flood prone areas, including associated setbacks and buffer zones;
  - ii) Lands designated Environmental Protection One and Environmental Protection Two by this Secondary Plan, including associated setbacks and buffer zones;
  - iii) Steep or unstable slopes, including associated setbacks;
  - iv) Unstable soil or unconsolidated fill;
  - v) Contaminants or are suspected of being contaminated as defined by Provincial regulations (O.Reg. 153/04 and as amended);
  - vi) Any easement, or right-of-way that limits or restricts the Town's use of the land; and/or,
  - vii) Lands that have been, or will be conveyed to the Town or other public agency for storm water management, conservation purposes, roadways, walkways/paths/trails, or any other non-parkland purposes.
- b) All lands conveyed to the Town for public park purposes shall be in a location and in a physical condition satisfactory to the Town. Any land parcel configuration, size or location that is constrained or deemed undesirable, as determined by the Town, shall not be acceptable as parkland conveyance. The following criteria shall be considered in determining suitability for of land for conveyance:

- i) Land parcels for conveyance to the Town shall be at least 0.4 of a hectare in size and be of an appropriate configuration to accommodate park amenities such as sports fields, playgrounds, and other programmable open space;
  - ii) Notwithstanding any other policy of this Secondary Plan, the Town may accept as part of a parkland conveyance requirement, land parcels that are less than .4 of a hectare only when that parkland dedication is joined to an existing or reasonably anticipated parkland conveyance on an adjacent land parcel under a separate ownership, and that the proposed conveyance assists the Town in achieving the planned parkland system as defined on the schedules to the East Fonthill Secondary Plan;
  - iii) Further, the Town may accept land parcels that are less than 0.4 of a hectare, subject to the exceptions provided by the policies of this Secondary Plan; and,
  - iv) Any lands accepted by, and conveyed to the Town for public park purposes shall be credited as contributing toward the parkland dedication requirements of the Planning Act.
- c) In addition to the policies of Section 5.4 of this Official Plan, the land to be conveyed shall:
- i) Have significant open frontage on at least one, and preferably two public roads; and,
  - ii) Be generally distributed within the East Fonthill Secondary Plan Area as defined on the schedules to this Secondary Plan.
- d) The Town may accept, at its discretion, the conveyance of lands that are not contiguous to the site or plan of subdivision that is subject to development provided that the value of the land to be provided off-site is approximately equal to the value of the lands from the subject development site, and is appropriately located within the East Fonthill Secondary Plan Area.

*B1.7.9.4.6 Parkland Conveyance Reductions*

- a) Parkland conveyance requirements may be reduced under the following circumstances, subject to approval by Council:
- i) When land is developed for nursing home use, as defined by the Province, a maximum of 2% of the total land area shall be conveyed to the Town;
  - ii) When the proposed development is being undertaken by a public sector organization the parkland conveyance requirement may be eliminated or reduced or at the discretion of Council;
  - iii) When land is developed to include affordable housing units, as defined by the Province, the conveyance requirement may be eliminated or reduced proportionate to the number of affordable units provided, at the discretion of Council;
  - iv) When the proposed development is being undertaken by a not-for-profit organization, as defined by the Province, the parkland conveyance requirement may be eliminated or reduced at the discretion of Council; and/or,
  - v) When a development proposal is wholly contained within an existing designated Heritage Building or a heritage building on a designated Heritage Property, and



the proposal incorporates and conserves a cultural heritage resource to the satisfaction of Council, a parkland conveyance reduction of 50% of the applicable conveyance requirement may be applied.

#### **B1.7.9.4.7**     *Use of Cash-in-lieu*

- a) It is the objective of the Town to promote the conveyance of land through the parkland dedication process to achieve the comprehensive parkland system identified on the schedules of the East Fonthill Secondary Plan. However, the Town, at its discretion, may accept the payment of money, or a combination of land and payment of money, up to the value of the land otherwise required to be conveyed in lieu of the conveyance of land. At its discretion, the City may accept cash-in-lieu of parkland, as follows:
  - i) Where, in the opinion of the Town, the parcel of land is less than 0.4 of a hectare or otherwise too small, inappropriately configured and/or poorly located to meet parkland needs and the parkland system identified on the schedules to the East Fonthill Secondary Plan;
  - ii) Where no reasonable opportunity exists to provide suitable parkland, in accordance with the policies of this Secondary Plan; and/or,
  - iii) Where the required dedication of land would render the remainder of the site unusable or impractical for development or redevelopment, as determined by the Town.
- b) All money received by the Town through payments of cash-in-lieu of parkland generated within the East Fonthill Secondary Plan Area shall be paid into a Parkland Acquisition Account to be used for the acquisition of public parkland.

#### **B1.7.9.5**     **Stormwater Management**

- a) The policies applicable to Stormwater Management are found in Section C6 of the Official Plan;
- b) In addition to those policies, the following policies apply within the East Fonthill Secondary Plan Area:
  - i) Stormwater management facilities shall be permitted in all land use designations within the East Fonthill Secondary Plan Area, except for the Environmental Protection One designation and the Environmental Protection Two designation;
  - ii) Stormwater management facilities may be permitted in an Environmental Protection Two designation without the need for a further Amendment to this Plan, subject to the policy direction provided in this Plan, including the preparation of an Environmental Impact Study (EIS) to the satisfaction of the Region in consultation with the Town and the NPCA;
  - iii) Stormwater management facilities will be key features within the community contributing to the appearance and ambience of the neighbourhood, while achieving functional objectives related to flow moderation and water quality;
  - iv) Stormwater management facilities will blend with the natural landscape. Geometric forms and standard slope gradients will be avoided in favour of organic shapes and land form grading designed to replicate natural land forms in

the area. Inlet and outlet structures will be concealed using a combination of planting, grading and natural stone;

- v) Stormwater management facilities will not be fenced, but rather will be designed with trails, overlooks and interpretive signage so that they are an integral part of the East Fonthill Greenlands System; and,
- vi) Stormwater management facilities shall be designed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix B.

## **B1.7.10 Environment and Groundwater Management Policies**

The policies related to the environment and groundwater management within the East Fonthill Secondary Plan Area are found in Section C5 of the Official Plan.

## **B1.7.11 General Development Policies**

### **B1.7.11.1 Water and Sewer Servicing Strategy**

The policies applicable to the provision of municipal water and sewer services within the East Fonthill Secondary Plan Area are found in Section D2 of the Official Plan.

### **B1.7.11.2 Transportation**

- a) The policies applicable to the provision of transportation services within the East Fonthill Secondary Plan Area are found in Section D3 of the Official Plan;
- b) Notwithstanding Section D3.3 of the Official Plan, right of way widths for public roads within the East Fonthill Secondary Plan Area shall be as follows:
  - i) For Collector Main Streets, right-of-way widths shall be between 20.0 and 22.0 metres;
  - ii) For Local Roads, right-of-way widths shall be between 16.0 and 20.0 metres;
  - iii) For public or private Laneways, the right-of way widths shall be between 7.5 and 9.0 metres; and,
  - iv) All roads within the East Fonthill Secondary Plan Area shall be developed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix B.
- c) In addition to those policies, the following policies apply within the East Fonthill Secondary Plan Area:
  - i) A comprehensive trails system is identified conceptually on the Demonstration Plan for Active Transportation, attached to this Secondary Plan as Appendix A. It is the intent of the Town to achieve this trails network through the approvals processes required to facilitate the development of this Plan;
  - ii) The trails system includes trails within natural features, stormwater management facilities, open spaces, parks and the road system;
  - iii) Minor adjustments to the trails network identified in Appendix A shall not require a further Amendment to this Plan, subject to the Town being satisfied that the principle of connectivity and continuity of the system has been fulfilled;

- iv) Trail design and type will be based on each site's sensitivity in order to minimize environmental impacts; and,
- v) Trails for pedestrians and cyclists within the East Fonthill Secondary Plan Area shall be developed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix B.

#### **B1.7.11.3 Utilities**

- a) Ensure utility services such as hydroelectric power, communications/telecommunications, pipelines and natural gas lines are readily available to all development at levels necessary to ensure the safety and convenience of the Town;
- b) Council shall promote utilities to be planned for and installed in initial common trenches, where feasible, in a coordinated and integrated basis in order to be more efficient, cost effective and minimize disruption; and,
- c) Utility services shall be developed to be compatible with the general character of the surrounding uses and minimize visual impact, where feasible. Council will encourage utility providers to consider innovative methods of containing utility services on or within streetscape features such as gateways, lamp posts, transit shelters, etc. when determining appropriate locations for large utility equipment and utility cluster sites.

#### **B1.7.11.4 Heritage and Archaeological Resources**

- a) The policies applicable to the heritage and archaeological resources within the East Fonthill Secondary Plan Area are found in Section D4 of the Official Plan.

#### **B1.7.11.5 Subdivision of Land**

- a) The policies applicable to the subdivision of land within the East Fonthill Secondary Plan Area are found in Section D5 of the Official Plan;
- b) In addition to the policies of Section D5 of the Official Plan, the following policy applies to all lands within the East Fonthill Secondary Plan Area:
  - i) It is the intent of the Town to ensure that Draft Plans of Subdivision are developed within a reasonable time frame. As such, the following statements shall be added to all Conditions of Draft Plan Approval:
    - A Draft Plan Approval extension may be extended pursuant to Subsection 51(33) or 51(32) of the *Planning Act*, but no extension can be granted once, or if, the approval has lapsed; If the owner wishes to request an extension to Draft Plan Approval, a written explanation must, together with a resolution from Council, be received by the Town of Pelham sixty days prior to the lapsing date; and a Draft Plan Approval extension will only be granted if, in the opinion of the Town, significant progress toward final approval has been achieved. Dormant Draft Plans shall not be considered for an extension of Draft Plan Approval.
- c) In addition to the policies of Section D5 of the Official Plan, the following policy applies to all lands within the East Fonthill Secondary Plan Area:

- i) For each of the four Residential Neighbourhoods, and for the lands identified within the Commercial/Employment Centre, the Town urges the benefitting landowners to work together, and to enter into Developer's Group Agreements based on the requirements of this Plan;
- ii) It is intended that there be at least one Developer's Group Agreement for each Residential Neighbourhood, and one Developer's Group Agreement for the Commercial/Employment Centre. Provided that a sufficient number of benefitting landowners are in agreement, the Town may consider combining two or more of the identified Residential Neighbourhoods, where the applicable policies of this Plan are otherwise achieved;
- iii) It is recognized that in circumstances where there are multiple landowners, a singular Developer's Group Agreement may not be possible. To be considered a Developer's Group Agreement in fulfilment of the requirements of this Plan. The Agreement must include a landowner or landowners that represent at least 50% of the landholdings within the subject Neighbourhood. This policy does not apply to lands within the identified Commercial /Employment Centre;
- iv) If there is one landowner that represents at least 50% of the landholdings, the Town may enter into a Development Agreement with the landowner;
- v) Where undue delays are encountered with respect to execution of the required Developer's Group Agreements, the Town may, upon the request of an applicant landowner, attempt to resolve such difficulties or delays. Where resolution of such problems is deemed not possible by the Town, even with the Town's intervention, the Town shall approve alternative mechanisms to satisfy the intent of the applicable policies of this Plan;
- vi) If a benefitting landowner within a Residential Neighbourhood or within the Commercial/Employment Centre wishes to submit a development application and has been unable to obtain the necessary participation of other benefitting landowners through a Developer's Group Agreement, notwithstanding best efforts to do so, then:
  - The applicant landowner shall notify the Town in writing that it proposes to submit an application for development on its lands, or a portion thereof, without a Developer's Group Agreement;
  - The applicant landowner in said notice shall set out, in compliance with the provisions of this Plan, that the development proposal is able to accommodate on it's lands, without the participation of other landowners or lands, appropriate urban development that represents a logical expansion of the existing community. The applicant landowner shall also elect in said notice, at its option, either to:
    - Enter into a Development Agreement with the Town in lieu of other benefitting landowners; or,
    - Enter into, with the Town, a Front-Ending Agreement in accordance with the provisions of Section 44 of the *Development Charges Act*, as amended.

- The purpose of these alternative agreements shall be to ensure that a non-participating, benefitting landowner cannot develop their lands without appropriate compensation to the applicant landowner for any expenditures that exceeds the amount required to develop the applicant landowner's lands, and is a direct benefit to a non-participating, benefitting landowner; and,
  - Nothing in this policy compels the Town to enter into any agreements with any applicant landowner.
- vii) The Town, where and as appropriate, shall require the use of Area-Specific Development Charge By-Laws or Front-Ending Agreements under the *Development Charges Act*, or other suitable arrangements among landowners, in order to implement the development of the Secondary Plan Area and to fairly allocate the costs of development. The Town shall ensure that stormwater facilities are included in any Area-Specific Development Charges. Such agreements are intended to ensure that the necessary approvals and the required contributions of funds, lands and commitments for services will be in place and operative prior to, or coincident with the development and use of land. The Developer's Group Agreement and/or Front-Ending Agreement may deal with:
- Front-end or accelerated payment requirements;
  - Local services as permitted in Sections 44(1) and 59(2) of the *Development Charges Act*,
  - Matters to which the parties voluntarily agree; and/or,
  - Other matters permitted by law.
- viii) The Town must ascertain and be assured that a Developer's Group Agreement assigns cost sharing and other responsibilities in a reasonable and equitable manner, and, generally speaking, will do so in direct proportion that a development benefit is conferred upon the lands being developed. Subject to the appeal mechanisms identified in the *Planning Act* or the *Development Charges Act*, the issuance of final development approvals or the release of land for development, shall be subject to the execution of a Developer's Group Agreement and/or Front-Ending Agreement.

### **B1.7.12 Plan Implementation and Administration**

The policies applicable to plan implementation and administration within the East Fonthill Secondary Plan Area are found in Section E of the Official Plan.

## **B1.8 GREENFIELD OVERLAY**

The *Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow 2006)* has identified a number of Greenfield Areas within the *Urban Living Area* designation. It is a Provincial and Regional requirement that lands identified as Greenfield be developed in such a manner as to attain a minimum population/employment density of 50 people and jobs per hectare. In this Plan, the Provincial Greenbelt Areas have been identified as a *Greenfield Overlay* on the Schedules to this Plan. Though the Town of Pelham's Greenfield target is 50 people and jobs per hectare as per the Places to Grow, it is

realized that not every site will be able to achieve that target. The Town will have flexibility on a site by site basis however, the Town will closely monitor its Greenfield developments to ensure that Pelham's overall Greenfield target will be achieved.

The following policies have been provided to describe the location of *Greenfield Overlay* areas in the *Urban Living Area* and provide guidance with respect to other policies in this Plan that may affect lands within the *Greenfield Overlay*. The following policies also provide a strategy for the future development of Greenfield Areas in the Town by describing these areas as being either "high priority" or "low priority" areas for development. Lands characterized in the following policies as "high priority" are lands that the Town views as being essential to the Town's Settlement Area Strategy and as such, are anticipated to accommodate new development within the first 10 years that this Plan is in effect. Lands described as "low priority" are lands that are characterized by servicing or environmental constraints and are not anticipated to be considered for development until the latter tenure of this Official Plan.

### **B1.8.1 East Fonthill Secondary Plan, Fonthill**

The East Fonthill Secondary Plan is a Secondary Plan that was originally approved by the Region and later by the Ontario Municipal Board in the summer of 2000. The Planning Area is a high priority future development area in the Town and contains the majority of the Town's total Greenfield Area, which is shown on Schedule A1 and A2 as *Greenfield Overlay*. Through the East Fonthill Secondary Plan, outlined in Section B1.7, the following natural heritage features together with their associated adjacent lands should be identified within the East Fonthill planning area:

- a) Wetlands,
- b) Woodlands,
- c) Valleylands,
- d) Significant habitat of endangered species, threatened species and special concern species;
- e) Wildlife habitat; and,
- f) Fish habitat.

Where the above-mentioned features have been spatially confirmed and coincide with the *Greenfield Overlay* designation on Schedule A1, such lands shall be removed from the *Greenfield Overlay* designation and shall not be considered for urban development. For all residual lands within the *Greenfield Overlay* designation, the East Fonthill Secondary plan shall assign land uses, unit types and densities that derive an average density of 50 people and jobs per hectare.

### **B1.8.2 North West Fonthill Secondary Plan, Fonthill**

According to the Growth Plan for the Greater Golden Horseshoe, the entire North West Fonthill Secondary Plan has been identified as a Greenfield Area, despite the fact that the majority of land in North West Fonthill Secondary Plan has already been approved or draft approved for development.

The North West Fonthill Secondary Plan is a high priority Greenfield Area that is anticipated to develop in accordance with the policies of the Secondary Plan as specified in Section B1.6, however only revisions proposed to existing approved or draft approved plans of subdivision which are more consistent with the Growth Plan for the Greater Golden Horseshoe shall be supported and encouraged and shall not require an amendment to the Official Plan notwithstanding reductions of lot frontages and/or lot areas as described in the North West Fonthill Secondary Plan.

In instances where a draft approved subdivision lapses, any future planning approval on such lands shall conform to the Growth Plan for the Greater Golden Horseshoe as well as Regional Policy Plan Amendment 2-2009.

### **B1.8.3 Lot 177, Fonthill**

Lot 177 is a historic Secondary Plan Area with a highly fragmented land base. In accordance with Policy B1.1.11 of this Plan, the lands located within the *Greenfield Overlay* located within Lot 177 are a low priority Greenfield Area given that these lands have recently been developed into a townhouse complex. A portion of these lands is also occupied by a long-standing neighbourhood store that contributes to local employment and the character of the area.

### **B1.8.4 Other Greenfield Overlay Lands in Fonthill**

There are two other high priority areas located within a *Greenfield Overlay* designation in the Fonthill Urban Area. The first area is located in Lot 173. This area is contiguous to the East Fonthill Planning Area. The second area is located at the intersection of Pelham Street and Welland Road and is currently vacant.

For each of these areas, the policies and land use permissions of the applicable land use designation shall apply provided that any application for development shall demonstrate that these sites can achieve the required population and/or employment density of 50 people and jobs per hectare.

### **B1.8.5 East Fenwick Secondary Plan Area, Fenwick**

The majority of the Greenfield Area in Fenwick Urban Area is located within the East Fenwick Secondary Plan area, an area which this Plan requires the preparation of a Secondary Plan prior to any further development or extension of services. This area, located within the *Greenfield Overlay* designation, will be subject to the fulfilment of Provincial and Regional requirements under the Growth Plan and Regional Policy Plan Amendment 2-2009 as specified in Policy B1.1.10.2 and B1.1.10.3. As a result of the extensive planning and technical work that needs to be fulfilled to accommodate future development, this area is considered to be a low priority Greenfield Area.

### **B1.8.6 Cherry Ridge Subdivision, Fenwick**

The approved Cherry Ridge Subdivision is located within a substantial Greenfield Area which was identified by the Province in the north west portion of the Fenwick Urban Area. This area has been substantially approved for development prior to the passage of the Growth Plan and therefore it is not anticipated that density requirements under the Growth Plan will be achieved unless the current subdivision plan lapses and further planning

approvals are required. On this basis, these lands are considered to be a low priority area Greenfield Area.

### **B1.8.7 Other Greenfield Overlay Lands in Fenwick**

There are six other low priority parcels located within the *Greenfield Overlay* designation, all of which are about 1 hectare or less in area and all of which are located south of Canboro Road and/or along Church Street. These parcels shall develop in accordance with their applicable land use designation contained in this Plan and in doing so will achieve an average minimum population density of 50 people and jobs per hectare.

### **B1.8.8 Implementation**

The implementation of minimum densities will be achieved through the use of use permissions that target higher density or mixed use housing types and the establishment of minimum densities through the Town's Comprehensive Zoning By-law.

## **B2 RURAL AREA DESIGNATIONS**

### **B2.1 GOOD GENERAL AGRICULTURAL**

#### **B2.1.1 Purpose**

The purpose of the *Good General Agricultural* designation is to protect and maintain land suitable for agricultural production and permit uses which support and/or are compatible with agriculture.

#### **B2.1.2 Permitted Uses**

The principal use of land in the *Good General Agricultural* designation shall be agriculture.

However, in the interest of supporting agri-business through farm diversification, this Plan identifies other uses that are considered to be agricultural-related and/or secondary uses on the basis that such uses assist in retaining or adding value to agricultural products and commodities or promote agri-tourism. These additional permitted uses include:

- a) Single detached dwellings accessory to a farm business or on a vacant lot of record;
- b) Accessory residential uses on farm properties subject to Policy B2.1.3.5 of this Plan;
- c) Bed and breakfast establishments subject to Policy B2.1.3.6 of this Plan;
- d) Home occupations and home industries subject to Policy B2.1.3.7 of this Plan;
- e) Forestry and other resource management uses;
- f) Retail commercial uses on farm properties subject to Policy B2.1.3.8 of this Plan;
- g) Passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority;
- h) Agricultural-related exhibitions and tourism establishments subject to Policy B2.1.3.9 of this Plan;
- i) Wineries subject to Policy B2.1.3.11;



- j) Mineral aggregate operations in accordance with Policy B2.5.3.3; and,
- k) Wayside pits and quarries and portable asphalt plants for road works in the area in accordance with Policy B2.5.3.10.

All uses in the *Good General Agricultural* designation shall be designed, located and managed to not detract from the primary role of the agricultural area as set out in Policy B2.1.1 of this Plan.

The erection of a mobile home, as defined in the Implementing Zoning By-law, on a lot is not permitted, unless the mobile home is being used to accommodate farm help in accordance with Policy B2.1.3.5 of this Plan.

## **B2.1.3 Development Policies**

### **B2.1.3.1 Creation of New Lots**

In accordance with the intent of this Plan to maintain and protect the agricultural resource of the Town and direct the majority of new residential growth to settlement areas or existing vacant building lots, the creation of one new lot from a parcel may be permitted if:

- a) The lot is to be severed to create a farm; or,
- b) The lot is necessary to accommodate a surplus dwelling resulting from a farm consolidation in accordance with Policy B2.1.3.3.

No lot creation will be permitted if the severed and retained parcel is less than 40 hectares and/or if a lot(s) has already been severed from the original farm parcel.

The creation or acquisition of a lot by a public authority will not be considered as a previous severance providing this does not result in another remnant lot.

### **B2.1.3.2 Other Types of Consents**

Consents may be granted for technical purposes, or to provide for minor lot line adjustments or correct lot boundaries provided such consent does not result in the creation of a new lot.

### **B2.1.3.3 Farm Consolidations**

It is acknowledged that the consolidation of farms into larger and more efficient operations is a reality in the Regional and Provincial agricultural economy. In this regard, the consolidation of two or more abutting or adjacent farm parcels or a boundary adjustment that increases the size of a farm parcel is permitted provided no new lot is created and provided the benefitting parcel captures the majority of arable farmland.

Existing farm dwellings rendered surplus as a result of a farm consolidation may be severed, regardless if the farm parcels subject to the consolidation are abutting or independent. Applications to sever a surplus farm dwelling should provide for a maximum lot area of 0.4 hectares. A larger lot size will be considered if an additional area is necessary to accommodate a private water and sewage disposal system. In addition it shall be a requirement that the residual or consolidated farm parcel be zoned to preclude future residential use in perpetuity.

#### **B2.1.3.4 Secondary Dwelling on Heritage Properties**

The establishment of one additional dwelling unit on a property with a designated heritage building is permitted, provided that the lands are appropriately zoned to permit a second dwelling.

Prior to considering an application for re-zoning, Council shall be satisfied that:

- a) The existing dwelling is designated under Part IV of the *Ontario Heritage Act*;
- b) The designated heritage building will be used as a Dwelling Unit, either as the Primary Dwelling, a Secondary Dwelling or Bed and Breakfast Establishment;
- c) The new dwelling unit may be used as the primary residence, but shall be visually subordinate to the retained heritage home through appropriate setbacks, height control, landscaping and/or other techniques deemed suitable by the Town; and,
- d) The new dwelling unit will be provided with appropriate sewage and water services as required by the Regional Niagara Public Works Department.

The development of any new dwelling unit under the provisions of this policy shall be subject to Site Plan Control in accordance with Section E1.4 of this Plan and Section 41 of the *Planning Act*. Council may apply all elements of Site Plan Control to the development of any Secondary Suite on a Heritage Property, including those related to landscaping, as well as exterior design and sustainable design (as set out in Section E1.4 m and o).

Further, in no case, and at no time in the future, shall any residential use established in accordance with this policy be subdivided or severed from the original parcel on which it was constructed. This policy may be further implemented through a restrictive covenant registered on title.

#### **B2.1.3.5 Accessory Residential Uses on Farm Properties**

The establishment of one additional dwelling unit or a trailer/mobile home on a farm property for farm help is permitted, provided the lands are appropriately zoned to permit such a second dwelling. Prior to considering an application for re-zoning, Council shall be satisfied that the second dwelling unit:

- a) Is required for farm help;
- b) Will be located within the existing farm-building cluster;
- c) Is provided with sewage and water services as required by the Regional Niagara Public Works Department; and,
- d) Will be designed and/or located to be compatible or otherwise blend in with the farm operation.

The establishment of a secondary suite within an existing detached dwelling shall also be permitted subject to the following:

- a) The secondary suite is compliant with requirements of the Ontario Building Code;
- b) The secondary suite is capable of being sustained by the existing water supply and septic service located on the lot; and,

- c) The secondary suite is compliant with the provisions set out in the Town Zoning By-law.

Council may require that the development of an accessory residential use be subject to Site Plan Control. In no case, shall any detached residential dwelling unit established in accordance with this policy be subdivided or severed from the original parcel on which it was constructed.

### **B2.1.3.6 Bed and Breakfast Establishments**

New bed and breakfast establishments are permitted in a single detached dwelling in the *Good General Agricultural* designation, subject to the following guidelines which may be implemented in the Comprehensive Zoning By-law:

- a) The use is clearly secondary to the primary use of the dwelling as a residence;
- b) The bed and breakfast establishment must be the principal residence of the owner and operator;
- c) The character of the dwelling as a private residence is preserved;
- d) Adequate parking facilities are available on the lot for the proposed use;
- e) No more than three bedrooms are available for guests;
- f) The proposed use will not cause a traffic hazard as a result of its location on a curve or a hill;
- g) The proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal as required by the Regional Niagara Public Works Department; and,
- h) The signage advertising the use is to be designed and located in accordance with the Town's Sign By-law.

### **B2.1.3.7 Home Occupations and Home Industries**

The Town recognizes that the nature of farming is changing and that additional valued added activities, such as home occupations and home industries, can be carried out in the *Good General Agricultural* designation and not have an adverse impact on agricultural uses.

Home occupations are typically professional work activities that are carried on within the residential dwelling that typically do not involve the retail sale of goods and services. In addition, home occupations do not utilize more than 25% of the gross floor area of the dwelling and do not change the residential character of the dwelling. Such uses will be permitted as-of-right in the Implementing Zoning By-law, subject to regulations.

Home industries are small-scale industrial or service commercial uses that are accessory or secondary to agricultural uses and may be located in an attached or detached accessory building. Such uses are encouraged to support Regional agri-business and/or tourism. These uses shall not detract from the primary use of the property for agricultural or residential purposes.

Home industries may include welding, machine shops, large animal veterinary clinics or agriculturally related uses that involve the processing or transportation of regionally produced agricultural crops or other products. The accessory retail sales of products produced in the home industry is also permitted. The repair, storage or sale of motor vehicles is not considered to be a home industry, but may be permitted subject to a zoning by-law amendment that restricts the scale of the use.

Home industries will be subject to a Zoning By-law, where the following requirements will be considered by Council:

- a) The building housing the home industry is located within the existing farm-building cluster;
- b) The building housing the home industry should not have a floor area in excess of 250 square metres (2,691 square feet);
- c) The home industry should be located on a lot that has a minimum area of 4.0 hectares (9.88 acres) and is set back from all lot lines by at least 30 metres (98.5 square feet);
- d) Any open storage associated with the home industry is screened from view, located within a fenced compound and does not occupy more than 200 square metres (2,153 square feet);
- e) The home industry should not have more than two employees in addition to the owner;
- f) Agriculturally related uses must be part of a farm operation;
- g) Any retail component should be clearly accessory to the use and does not detract from the primary use of the property; and,
- h) Where a new home industry is proposed on a property where a designated heritage resource is located, any new facilities shall be designed to be compatible with the existing rural heritage character and shall not detract from the heritage attributes of the designated resource.

The development of a new home industry may be subject to Site Plan Control in accordance with Section E1.4 of this Plan. Site Plan Control will be required for any new home industry proposed on a property with a designated heritage resource, in accordance with Section E1.4 of this Plan and Section 41 of the *Planning Act*. Council may apply all elements of Site Plan Control to the development of any facilities associated with a home industry on a heritage property, including those related to landscaping, as well as exterior design and sustainable design (as set out in Section E1.4 m and o).

### **B2.1.3.8 Retail Commercial Uses on Farm Properties**

The development of accessory retail commercial uses on farm properties is permitted subject to the following criteria:

- a) The use is clearly associated with and located on a farm property;
- b) The retail component has a floor area of no more than 50 square metres (538 square feet); and,
- c) That a minimum 50% of the total floor area of the retail component be dedicated to

the sale of products produced or manufactured on the farm property.

The development of a new commercial use on a farm property shall be subject to Site Plan Control in accordance with Section E1.4 of this Plan.

### **B2.1.3.9 Agricultural Related Exhibitions and Tourism Establishments**

Given the location of the Town, Council supports the development of uses that promote the vitality of the agricultural community and agri-business. On this basis, one time or annual events such as auction sales, farm machinery and equipment exhibitions, farm tours, holiday-related exhibitions that focus on agricultural education, awareness and promotion are permitted in the *Good General Agricultural* designation. Such uses shall be small-scale, agriculturally related and encouraged to locate in existing farm buildings wherever possible.

Where facilities of this nature are proposed on a year-round basis, such uses shall be subject to a Zoning By-law Amendment and prior to approving such an Amendment, Council shall be satisfied that the proposed use is directly related to agriculture, or is a secondary use to agriculture, is of a small scale and conforms with other applicable policies of this Plan.

### **B2.1.3.10 Redesignation of Agricultural Land for Non-Agricultural Uses**

Non-agricultural uses, other than those listed in Section B2.1.2, are not permitted within the *Good General Agricultural* designation as such uses can have adverse impacts on both agricultural and natural resources. Where non-agricultural uses are proposed with the *Good General Agricultural* designation, such applications shall be reviewed in the context of both a local Official Plan Amendment and Regional Policy Plan Amendment subject to the following criteria:

- a) A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community within the planning horizon provided for in this Plan;
- b) There are no reasonable alternatives to accommodate the proposed use in urban areas and rural areas;
- c) There are no reasonable alternative locations to accommodate the proposed land use on land within the *Good General Agricultural* designation with lower priority for protection;
- d) Consideration that the proposed non-agricultural use is compatible with and will not impact the normal operation of surrounding agricultural uses;
- e) Conformity with policies contained in Section B3 Natural Heritage Designations, Part C Environment and Groundwater Management Policies and Section B2.5 Mineral Aggregate Resource Area of this Plan;
- f) Confirmation that a suitable private water supply and private sewage services can be provided for the proposed use; and,
- g) Compliance with other policies contained in the Town's Official Plan.

### **B2.1.3.11 Farm Wineries**

Council supports the development of farm wineries as a secondary agricultural use to the principal farm operation within the *Good General Agricultural* designation subject to the following policies:

- a) A minimum farm parcel of at least 10.0 hectares will be required;
- b) The Implementing Zoning By-law will establish zone provisions for the establishment of farm wineries;
- c) All wines produced within a farm winery shall be made from fruit predominantly from the vineyard and/or fruit farm located on the same land as the farm winery as well as part of the farmer's own farm operation;
- d) A hospitality room where wine and food is served and the retail sale of wine produced on site will be permitted. The Implementing Zoning By-law will set out specific retail floor area provisions;
- e) Farm winery buildings should be setback sufficiently from a roadway in order to accommodate a suitable planting area to provide and maintain an agricultural setting;
- f) Farm wineries shall be subject to Site Plan Control;
- g) A minimum of 5 hectares of the lands shall be planted in vineyards and/or fruit crops and be in full production. Council will require the vineyard and/or fruit crop planting and production as a condition of approval to be completed prior to the issuance of a building permit; and,
- h) The maximum ground floor area for building and structures utilized for a farm winery shall not exceed 300 square metres.

### **B2.1.3.12 Greenhouses**

Greenhouses and hoopouses are considered to be an agricultural use, however in the interest of ensuring compatibility within the agricultural area, the development of greenhouses and hoopouses shall be subject to a Zoning By-law Amendment where:

- a) The lot area of the parcel proposed to accommodate the greenhouse or hoopouse is less than 3 hectares, or;
- b) The total lot coverage of the greenhouse or hoopouse is greater than 30%, or;
- c) A retail component is proposed as an accessory use to the greenhouse or hoopouse, or; and,
- d) Greater than 10,000 litres of water per day will be required to sustain the greenhouse or hoopouse.

Any proposal to develop a greenhouse or hoopouse will be subject to Site Plan Control to ensure lighting, traffic, landscaping and other planning and design matters can be addressed prior to the issuance of a building permit.

### **B2.1.4 Location of Livestock Facilities**

New or enlarged livestock buildings and facilities shall comply with the Minimum Distance Separation formulae.

### **B2.1.5 Implementing Zoning By-law**

All lands in the *Good General Agricultural* designation shall be placed in an appropriate Agricultural Zone in the Implementing Zoning By-law.

### **B2.1.6 Exceptions**

The following land uses do not conform to the permitted uses listed in Section B2.1.2. Notwithstanding, they are considered to be permitted uses under this Plan and expansions to these uses shall be permitted unless the expansion is proposed on lands not previously owned and occupied by the use. In such cases, an Amendment to this Plan shall be required.

#### **B2.1.6.1 Harold S. Bradshaw Park**

A public park together with accessory uses shall be permitted at 520 Chantler Road located in Part Lot 10, Concession 13.

#### **B2.1.6.2 Harold Black Park**

A public park together with accessory uses shall be permitted at 953 Haist Street located in Block 58, Plan 59M-104 and Parts 1 to 3 Plan 59R-2485 and Part 1, Plan 59R-3710.

## **B2.2 SPECIALTY AGRICULTURAL**

### **B2.2.1 Purposes**

The purpose of the *Specialty Agricultural* designation is to implement the Province of Ontario's Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies.

### **B2.2.2 Permitted Uses**

The principle use of land in the *Specialty Agricultural* designation shall be for the production of the full range of specialty crops identified in the Greenbelt Plan. Permitted uses in the *Specialty Agricultural* designation include:

- a) Agricultural uses;
- b) Farm wineries in accordance with Policy B2.1.3.11;
- c) Single detached dwellings;
- d) Accessory residential uses on farm properties in accordance with Policy B2.1.3.5;
- e) Bed and breakfast establishments in accordance with Policy B2.1.3.6;
- f) Home occupations and home industries in accordance with Policy B 2.1.3.7;
- g) Mineral aggregate operations in accordance with Policy B2.5.3.5;
- h) Forestry and other resource management uses;
- i) Retail commercial uses in accordance with Policy B2.1.3.8; and,
- j) Agricultural related exhibitions and tourism establishments in accordance with Policy B2.1.3.9.

### **B2.2.3 Redesignation of Lands in the Specialty Agricultural Designation**

The redesignation of lands in the *Specialty Agricultural* designation to another designation in this Plan is not permitted, except in accordance with the Greenbelt Plan or any amendment made thereto.

### **B2.2.4 Location of Livestock Facilities**

New or enlarged livestock buildings and facilities shall comply with the Minimum Distance Separation formulae.

### **B2.2.5 Consents**

The creation of new lots in the *Specialty Agricultural* designation is generally not permitted. Applications for consent may be considered by the Committee of Adjustment only in the following circumstances:

- a) The application will facilitate the conveyance of lands with natural heritage significance to a public body or non-profit entity provided the land to be conveyed will not be used for residential purposes;
- b) The application facilitates a lot addition, boundary adjustment, mortgage discharge or validation of title provided such application is minor in nature and will not create a separate lot for a residential dwelling and will not fragment any key natural heritage and hydrological feature;
- c) The application will result in the creation of a new parcel that is capable of sustaining agricultural use. In order to fulfil this intent, the severed and retained lots shall each have a minimum area of 16.2 hectares (40 acres); or,
- d) The application will result in the severance of a surplus farm dwelling where an existing dwelling is rendered surplus a result of a farm consolidation. In such cases the retained parcel shall be rezoned to prohibit future residential uses in perpetuity.

### **B2.2.6 Expansion of Existing Uses**

Uses which are not permitted in the *Specialty Agricultural* designation but were established on or before December 16, 2004, shall be deemed to be permitted uses. Such uses may expand buildings, structures or accessory uses subject to an application to the Committee of Adjustment to expand a legal non-conforming use. In considering an application, Committee shall have regard for the following criteria:

- a) That the expansion does not require the provision or extension of a municipal water or sewer system; and,
- b) That the proposed expansion is consistent with existing use policies contained in the Natural Heritage polices of this Plan.

Where the proposed expansion is located within lands regulated by the NPCA, which includes watercourses, valleys, floodplains and wetlands, a permit will also be required from the NPCA.



### **B2.2.7 The Canboro Road Corridor**

The Canboro Road corridor is an important transportation linkage between Downtown Fenwick and Fonthill and is considered to be an area of significant potential for enhancement as a rural promenade characterized by public parks and spaces geared to pedestrians and cyclists, as well as the promotion of agricultural based tourism and accessory commercial uses. In an effort to encourage and foster land use that contributes to the identity of a promenade, the Zoning By-law may establish site-specific provisions for agricultural-related and secondary uses along this corridor. In addition, the Canboro Road corridor between Fenwick and Fonthill shall be defined as a Community Improvement Plan study area should Council wish to use the provisions of a Community Improvement Plan to foster and enhance this area as a promenade and tourist destination.

In undertaking any study or preparing any Community Improvement Plan for this corridor, Council recognizes that this area is located within an area of high aquifer vulnerability and the policies in this Plan with respect to such features will be considered in the assessment of any *Planning Act* approval.

### **B2.2.8 Greenhouses**

Greenhouses and hoopouses are considered to be an agricultural use, however in the interest of ensuring compatibility within the agricultural area, the development of greenhouses and hoopouses shall be subject to a Zoning By-law Amendment where:

- a) The lot area of the parcel proposed to accommodate the greenhouse or hoopouse is less than 3 hectares, or;
- b) The total lot coverage of the greenhouse or hoopouse is greater than 30%, or;
- c) A retail component is proposed as an accessory use to the greenhouse or hoopouse, or; and,
- d) Greater than 10,000 litres of water per day will be required to sustain the greenhouse or hoopouse.

Any proposal to develop a greenhouse or hoopouse will be subject to Site Plan Control to ensure lighting, traffic, landscaping and other planning and design matters can be addressed prior to the issuance of a building permit.

### **B2.2.9 Implementing Zoning By-law**

All lands in the *Specialty Agricultural* designation shall be placed in a Specialty Agriculture Zone in the Implementing Zoning By-law. Existing uses which are permitted by this Plan shall be placed in an appropriate exception zone. If Council is satisfied that the use has been in continuous operation since December 16, 2004 and the use does not pose a risk to public health or safety.

The Implementing Zoning By-law shall also include definitions and use permissions, consistent with Provincial and Regional policy that define and categorize farm diversification uses.

## **B2.2.10 Exceptions**

The following land uses do not conform to the permitted uses listed in Policy B2.2.2. However, notwithstanding Policy B2.2.2 they are considered to be permitted uses under this Plan and expansions to these uses shall be permitted unless the expansion is proposed on lands not previously owned and occupied by the use. In such cases, an Amendment to this Plan shall be required.

### **B2.2.10.1 Centennial Park**

A public park together with accessory uses shall be a permitted use of lands located in Part Lots 7, 8, 9 and 11; Plan 703 and Part Block C; Plan 16, Part 4; 59R-7488, Part 2; 59R-11264, Part 1; 59R-1377 and Part 1; 59R-11639 located in Part Lot 14, Concession 14.

### **B2.2.10.2 1732 Cream Street**

A secondary dwelling on heritage properties is permitted in accordance with Policy B2.1.3.4 and the subject lands are exempt from Site Plan Control as outlined in Policy B2.1.3.4.

## **B2.3 INDUSTRIAL**

### **B2.3.1 Purpose**

The purpose of the *Industrial* designation is to provide an area where existing and new rural employment uses can be consolidated in the interest of compatibility and to foster employment growth and economic development in the Town.

### **B2.3.2 Permitted Uses**

Uses permitted in the Industrial designation will complement the adjacent Niagara Central Airport and Regional agri-business. Such uses shall include:

- a) Manufacturing;
- b) Assembly;
- c) Processing;
- d) Fabrication;
- e) Storage and/or warehousing uses;
- f) Contractor's storage yards;
- g) Agricultural-related research uses which do not involve the keeping of livestock;
- h) Open air recreation uses;
- i) Wholesaling establishments; and,
- j) Agricultural uses which do not involve the keeping of livestock.

Accessory retail uses are also permitted provided they occupy only a limited amount of the gross floor area and are clearly accessory and incidental to the industrial use. Accessory residential uses are discouraged but may be permitted subject to a Zoning By-law Amendment.

### **B2.3.3 Dry Industrial Uses**

Uses permitted in the Industrial designation are to be developed on private water and sewer services and are therefore anticipated to be uses which do not generate large volumes of wastewater. Where any use is proposed to generate greater than 10,000 litres per day of wastewater, such a use shall submit a Functional Servicing Report and Hydrogeological Assessment in conjunction with an application for a Site Plan Control Agreement.

Further, approval requirements pursuant to Section 53 of the *Ontario Water Resources Act* and pre-consultation with the Ministry of the Environment staff to review approval requirements may also be required.

### **B2.3.4 Site Plan Policies**

All new uses may be subject to Site Plan Control. Any redevelopment of existing industrial uses which would involve an expansion of the floor area of more than 25% may also be subject to Site Plan Control. Prior to considering an application for re-zoning and/or Site Plan approval, Council shall be satisfied that:

- a) Stormwater can be controlled in accordance with Town and NPCA standards;
- b) Adequate parking and loading facilities are provided on the site;
- c) The proposed buildings are designed to blend in with their surroundings and with other buildings in the area;
- d) The proposed buildings or structures on un-vegetated sites incorporate landscaping to enhance the site and surrounding area;
- e) Outdoor storage areas are substantially screened from view from passing traffic;
- f) Ingress and egress to the site is compliant with Town or Regional specifications;
- g) The proposed use can be serviced with an appropriate water supply and means of sewage disposal; and,
- h) Where a lot boundary of a proposed use abuts or is in proximity to a lot boundary of an existing residential use, fencing, landscaping, berming or a combination of these features may be required to ensure that there is adequate acoustical barrier and screening between the uses.

### **B2.3.5 Conversion of Lands in the Industrial Designation to Other Uses**

Lands located within the Industrial designation shall not be redesignated or rezoned to any other non-employment land use, except with the support of a Municipal Comprehensive Review prepared and supported by the Town and Region. In undertaking a Municipal Comprehensive Review, it shall be demonstrated that:

- a) There is a need for the conversion;
- b) The Municipality will meet the employment forecasts articulated in the Settlement

Area Strategy outlined at the beginning of this Plan;

- c) The conversion will not adversely affect the overall viability of the employment area and the achievement of intensification or density targets or other policies of this Plan;
- d) There is existing or planned infrastructure to accommodate the proposed use;
- e) The lands are not required over the long term for employment purposes for which they are designated; and,
- f) Cross-jurisdictional issues have been considered.

### **B2.3.6 Implementing Zoning By-law**

All lands within the *Industrial* designation shall be placed in appropriate Industrial Zones in the Implementing Zoning By-law.

## **B2.4 RURAL SETTLEMENT**

### **B2.4.1 Purpose**

The purpose of the *Rural Settlement* designation is to recognize the existing settlement of North Pelham as a stable rural service centre, which is not a focus area for future growth in the Town.

### **B2.4.2 Permitted Uses**

Permitted uses in the *Rural Settlement* designation include:

- a) Residential uses;
- b) Commercial uses that serve the needs of the settlement area and the surrounding rural area;
- c) Service commercial uses;
- d) Small scale industrial development such as repair garages or warehouses;
- e) Small scale institutional uses such as schools, places of worship, day care centres, community centres, libraries and similar uses;
- f) Accommodation facilities such as inns and bed and breakfast establishments;
- g) Public uses and parks; and,
- h) Home occupations.

### **B2.4.3 Development Policies**

#### **B2.4.3.1 Preferred Means of Lot Creation**

Future development in North Pelham will be limited to infilling of lots that will support land use that respects the existing character and built form of North Pelham. Lot creation shall occur through the consent process unless there is a compelling public and/or financial interest which requires a more formal Plan of Subdivision process. New lots within the *Rural Settlement* designation shall abut an assumed public road and should maintain a

minimum 1.0 hectare lot area, however, a lesser lot area may be considered provided it is supported by Hydrogeological Assessment and Servicing Study that confirms that a smaller lot will adequately accommodate private water and sewage treatment facilities for long term operation in order to be consistent with Regional policy.

#### **B2.4.3.2 Preferred Means of Servicing**

All development in a *Rural Settlement* shall be serviced by private wells and septic systems.

No residential development in excess of five residential units shall be permitted unless supported by a Functional Servicing Report and Hydrogeological Study that such development can be accommodated on private services without an adverse cumulative impact on the quality of groundwater and on the adjacent uses. As part the decision making process, the Functional Servicing Report shall be circulated to the Development Services Division of the Region's Public Works Department for review and comment.

#### **B2.4.3.3 New Non-Residential Uses**

New non-residential uses may be permitted in the *Rural Settlement* designation subject to an amendment to the Implementing Zoning By-law. Such uses shall be subject to Site Plan Control. Before considering an amendment to the Zoning By-law to permit any of the uses listed in Policy B2.4.2, Council shall be satisfied that:

- a) The proposed use is compatible with the character of North Pelham;
- b) The use has frontage and safe ingress and egress onto a public road that is compliant with Town or Region specifications;
- c) The proposed use can be serviced with an appropriate private water supply and an appropriate means of private sewage disposal;
- d) The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- e) Adequate parking and loading facilities and landscaping can be provided on the site;
- f) Where the proposed use is industrial in nature the Town will have regard for the Ministry of Environment's "D" Series Guidelines for Separation;
- g) Where the lot boundary of a proposed use abuts or is in proximity to the lot boundary of an existing residential use, fencing, landscaping, berming or a combination of these features shall be utilized to ensure that there is adequate screening between the uses; and,
- h) The proposed use and the design of associated buildings and landscaping shall be compatible with adjacent and proximate cultural heritage resources and shall not detract from the rural heritage character of the Settlement.

The development of a new non-residential use in a *Rural Settlement* shall be subject to Site Plan Control in accordance with Section E1.4 of this Plan and Section 41 of the *Planning Act*. Council may apply all elements of Site Plan Control to the development of a new non-residential use in a *Rural Settlement*, including those related to landscaping, as well as exterior design and sustainable design (as set out in Section E1.4 m and o).

#### **B2.4.4 Implementing Zoning By-law**

All lands that are used for residential purposes shall be placed in an appropriate Residential Zone in the Implementing Zoning By-law. Lands that are used for non-residential uses shall be placed in appropriate zones that recognize the use. All undeveloped land that is designated *Rural Settlement* may be placed in a Development or Holding Zone. Permitted uses in this zone shall be restricted to uses that existed on the date the Implementing Zoning By-law comes into effect.

### **B2.5 MINERAL AGGREGATE RESOURCE AREA**

#### **B2.5.1 Planning Objectives**

##### **B2.5.1.1 To Protect and Manage the Town's Mineral Aggregate Resources**

The Town will ensure that mineral aggregate resources are protected for long term future use, and as much of the resource as realistically possible shall be made available as close to markets as possible.

##### **B2.5.1.2 Provide for the Rehabilitation of Mineral Aggregate Operations**

The Town will minimize the long term impact on the disturbed area by encouraging and promoting the timely, progressive and final rehabilitation of aggregate operations.

##### **B2.5.1.3 Ensure Land Use Compatibility Issues are Addressed**

The Town will ensure that land use compatibility issues are addressed.

##### **B2.5.1.4 Minimize the Impact of Mineral Aggregate Related Traffic on the Community**

The Town will minimize the impact of mineral aggregate operations related traffic on the community and the Town's road infrastructure.

##### **B2.5.1.5 Provide a Clear Policy Framework for Evaluating Applications**

The Town will provide criteria for evaluating applications for mineral aggregate operations which are consistent with the goals and objectives of this Plan.

##### **B2.5.1.6 Orderly Extraction**

The Town will ensure the orderly extraction and utilization of mineral aggregate resources.

#### **B2.5.2 Land Use Policies**

##### **B2.5.2.1 Planned Function**

Mineral aggregate resources are sand, gravel, stone, shale, limestone, rock or other material used for the purposes of construction, industrial, manufacturing, maintenance and landscaping. The planned function of the Mineral Aggregate Resource Area as identified on Schedule A is to provide opportunities for mineral extraction. Schedule B2 Natural Resources identifies areas where there are known mineral aggregate resources

as well as current licensed operations. Extraction of these resources is subject to approval pursuant to the *Aggregate Resources Act* and an amendment to this Plan. Site specific policies shall permit the mineral aggregate operation and list any other permitted land use.

### **B2.5.2.2 Permitted Uses**

The area shown on Schedule B2 Natural Resources to this Plan may be used for the extraction of mineral aggregates that are found in a natural state on the site, subject to Policy B2.5.3.3. Mineral aggregate operation may refine, process, blend raw aggregate materials and may also utilize recycled aggregate material in conjunction with processing activities in order to produce semi-finished or finished goods. Rehabilitation of mineral aggregate operations as required under the *Aggregate Resources Act*, or successor thereto will be in accordance with the rehabilitation policies of this Plan, as applicable. Existing uses and uses in accordance with the land use designation for the lands that are identified as Mineral Aggregate Resource Area are permitted.

### **B2.5.2.3 Location**

Areas having known potential for mineral aggregate resources have been identified as Mineral Aggregate Resource Areas on Schedule B2 Natural Resources of this Plan.

## **B2.5.3 Additional Policies**

### **B2.5.3.1 Protection of Mineral Aggregate Resources**

In areas within 300 metres of or in known deposits of mineral aggregate resources, proposed development or site alteration that would preclude or hinder the establishment of new or an expansion to an existing mineral aggregate operation or access to the resources shall only be permitted through the completion of a Mineral Aggregate Resource Study which determines the following:

- a) Resource use would not be feasible; or
- b) The proposed land use or development serves a greater long term public interest;
- c) Issues of public health, public safety and environmental impact are addressed; and,
- d) Does not adversely affect the availability of mineral aggregate resources in adjacent areas.

### **B2.5.3.2 Land Use Compatibility and Adjacent Uses**

Mineral aggregate operations shall be protected from development that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for an Official Plan Amendment, Zoning By-law Amendment, or Development Permit under the *Planning Act*. Where *Planning Act* approvals are required for development within 300 metres of a mineral aggregate operation, the Town shall require a Mineral Aggregate Resource Study to demonstrate land use compatibility, including appropriate setbacks and buffer distances.

### **B2.5.3.3 Applications for Planning Act Approvals to Permit New or Expansions to Existing Mineral Aggregate Operations**

The establishment of a new, or an expansion to an existing, mineral aggregate operation shall require an amendment to this Plan and to the Regional Policy Plan. An application to amend the Official Plan shall require the submission of the following supporting material, subject to pre-consultation discussions in accordance with Section E3 of this Plan which may clarify scope or refine the required supporting material:

- a) A completed application for a Regional Policy Plan Amendment, in accordance with the Region's Policy Plan Amendment Fee Schedule (as amended from time to time), and all necessary supporting documents, reports as required;
- b) A completed application for an Official Plan Amendment and all necessary supporting documents and reports;
- c) An application to amend the Town's Zoning By-law and all the necessary supporting documents and reports;
- d) The provision of a detailed site development plan(s) indicating such information as is required under the Aggregate Resources Act, or successor thereto; as listed in B2.5.3.3 (e) (xi); and,
- e) The applicant will pre-consult with the Town of Pelham, Region of Niagara, the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources, as well as any others specified by the Town of Pelham, to establish the supporting documents and reports. Through pre-consultation with the Town of Pelham, Region of Niagara, the Niagara Peninsula Conservation Authority, the required supporting material may be scoped or refined. Such documents and reports shall be completed by a qualified individual based on clear, reasonable and attainable standard and guidelines, and will be consistent with the reporting standards under the Aggregate Resources Act where appropriate. This may include, but may be not be limited to the following:
  - i) Planning Justification Report addressing and summarizing conformity matters required under the Town's Official Plan, the Region of Niagara Policy Plan, and Provincial policy;
  - ii) Traffic and Haul Route Impact Study demonstrating that any additional traffic and/or road improvements will not have unacceptable impacts on the safe, efficient use and planned function of the road network or adjacent land uses, cultural landscapes, or environmentally sensitive features;
  - iii) The Planning Justification will include consideration of social impacts based on predictable, measurable, significant, objective effects on people caused by factors such as, without limitation, noise, dust, traffic levels and vibration. The assessment will be informed by other studies as required under this Plan and be based on Provincial standards, regulations and guidelines. The assessment will consider and identify methods of addressing the anticipated impacts in the area affected by the extractive operation.
  - iv) Heritage Impact Assessment in accordance with Section D4;



- v) Water Resources Study which will include surface water impacts, groundwater impacts, surface/groundwater interaction impacts, and impacts on adjoining private wells;
- vi) Noise and Vibration Study;
- vii) Assessment of potential impacts to air quality and recommended measures to minimize such impacts;
- viii) Public Consultation Strategy;
- ix) Comprehensive summary of monitoring requirements recommended in any of the above-mentioned studies addressing purpose, timing, frequency, responsible party or agency and reporting requirements;
- x) Agricultural Impact Assessment;
- xi) Detailed Site Development Plan(s) including a Progressive Rehabilitation Plan prepared to Aggregate Resources Act standards, which will include:
  - The location, topography, contours, dimensions and acreage of the property proposed for an mineral aggregate operation, as well as the extent of adjacent property which may be intended for future mineral aggregate operations;
  - The existing use of all land and the location and use of all buildings and structures within a distance of 120 metres from the land proposed for mineral aggregate operation;
  - The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the site;
  - The location, quality and estimated quantity of mineral aggregate resources;
  - Existing and anticipated final grades of excavation and excavation setbacks within the site;
  - Surface water diversion, storage and drainage provisions;
  - All entrances, exits and proposed routes to be used by associated transport;
  - Proposed tree screening and berming, progressive and ultimate internal road plan, locations of stockpiles for overburden stripping and mineral resources, progressive and ultimate rehabilitation plans and intended use of the land after the extractive operations have ceased; and,
  - Other information as the Town as determined through pre-consultation discussions.

Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

#### **B2.5.3.4 Evaluation of Applications and Amendments**

In considering an application for an amendment pursuant to the foregoing Policy B2.5.3.3, the following will be evaluated based on submitted studies:

- a) Compatibility with adjacent, existing and planned land uses with respect to noise, dust, blasting, vibration and truck traffic;
- b) Potential impacts on the natural environment, including measures required to minimize or avoid adverse impacts;
- c) Potential impacts on the quality and quantity of surface and groundwater systems;
- d) Potential impacts on surrounding agricultural operations and lands, including measures to mitigate these impacts;
- e) Potential impacts on the transportation system which will require trucks routes and points of site access to be established;
- f) The manner in which the mineral aggregate resource extraction and processing operations will be carried out including hours of operation;
- g) If applicable, the capability of the land for agricultural uses;
- h) Proposed progressive rehabilitation plan; and
- i) Other matters as the Town deems necessary.

**B2.5.3.5 Mineral Aggregate Resources – Applications on Good General Agricultural Land**

For applications on Good General Agricultural land, the site will be progressively rehabilitated to agriculture so that substantially the same area and average soil capability for agriculture is restored. Complete agricultural rehabilitation shall not be required if:

- a) There is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
- b) Other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as Greenfield Area, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: Canada Land Inventory Classes 1,2 and 3; and,
- c) Agricultural rehabilitation in remaining areas will be maximized.

**B2.5.3.6 Modifications to Existing Site Plans**

The Town will review and provide comments to the Ministry of Natural Resources when circulated on major Site Plan Amendments under the *Aggregate Resources Act*. In order to encourage land use compatibility of mineral aggregate operations, the Town may request additional setbacks or separation distances be established by the Ministry of Natural Resources.

**B2.5.3.7 Progressive Rehabilitation**

Outside prime agricultural areas or where agricultural rehabilitation is not required, the Town will require progressive rehabilitation of pits and quarries to an appropriate after use that is in conformity with the adjoining land use designation and policies, the surrounding natural environment and existing uses. The Town will require the completion of a

Progressive Rehabilitation Plan which will determine how the rehabilitation will be completed sequentially, within a reasonable time and in accordance with the Aggregate Resources Act, and any other regulations or applicable plans

#### **B2.5.3.8 Rehabilitation in Natural Heritage Features**

In natural heritage features, the Town will require rehabilitation to enhance the restoration of ecosystem integrity in accordance with the policies of this Plan, the Regional Policy Plan, and the appropriate watershed/sub-watershed study.

#### **B2.5.3.9 Cultural Heritage**

Where such resources exist, the Town will promote and encourage rehabilitation of mineral aggregate operations in a manner which incorporates the cultural and heritage resources in or adjacent to the site, including the conservation of significant cultural or heritage features where practical.

#### **B2.5.3.10 Wayside Pits and Quarries and Portable Asphalt and Concrete Plants**

Wayside pits and quarries and portable asphalt and concrete plants used for public authority contracts shall be permitted in all land use designations without the need for *Planning Act* approvals except in those areas of existing development or in environmental areas. The Town shall seek the fullest possible public and agency involvement in the review of applications to ensure conformity with this Plan.

#### **B2.5.3.11 Mineral Aggregate Operations within the Protected Countryside and Specialty Crop Areas**

In addition to the policies contained in B2.5.3, the following policies apply to new or expanding mineral aggregate operations in the *Specialty Agricultural* designation.

A new mineral aggregate operation or the expansion of an existing operation shall only be permitted in the *Specialty Agricultural* designation where the applicant demonstrates the following:

- a) The physical characteristics of the proposed site allow for the rehabilitation of the property back to an agricultural condition, which allows for the same range and productivity of specialty crops common in the area, and allow for the microclimate for which the site and the surrounding area may be dependent for specialty crop production to be maintained; or,
- b) If the physical characteristics of the proposed site will not allow for the rehabilitation of the property back to an agricultural condition, which allows for the same range and productivity of specialty crops common in the area, and will not allow for the microclimate on which the site and the surrounding area may be dependent for specialty crop production to be maintained, the applicant shall consider alternative locations; and,
- c) Where other alternatives have been considered by the applicant and found unsuitable, and in situations where complete agricultural rehabilitation in the specialty crop area is not possible due to the depth of planned extraction or a substantial aggregate deposit below the water table warranting extraction, agricultural

rehabilitation in the remaining licensed area will be maximized as a first priority to allow production of specialty crops.

#### **B2.5.3.12 Special Policy – Fonthill Kame in the Specialty Agriculture Designation**

Notwithstanding Policy B2.5.3.11, a mineral aggregate operation or wayside permit may only be considered on primary and secondary selected sand and gravel resources on the Fonthill Kame, in the Town of Pelham, as identified by Aggregate Resource Inventory Paper #4, if the applicant demonstrates that:

- a) Substantially the same land area will be rehabilitated back to an agricultural condition which allows for the same range and productivity of specialty crops common in the area; and,
- b) The microclimate on which the site and the surrounding area may be dependent for specialty crop production will be maintained.

#### **B2.5.3.13 Rehabilitation in the Specialty Agriculture Designation**

Together with Policy B2.5.3.11 and B2.5.3.12, rehabilitation of mineral aggregate operations in the *Specialty Agricultural* designation will also demonstrate the following as required:

- a) The disturbed area of a site will be rehabilitated to a state of equal or greater ecological value, and for the entire site, long-term ecological integrity will be maintained or restored, and to the extent possible, improved;
- b) If there are lands within the *Environmental Protection Three* designation on the site, or if such features existed on the site at the time of application:
  - i) The health, diversity and size of these key natural heritage features and key hydrologic features will be maintained or restored and, to the extent possible, improved to promote a net gain of ecological health; and,
  - ii) Any permitted extraction of mineral aggregates that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation.
- c) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement, which shall be representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation shall meet the intent of this policy;
- d) Final rehabilitation will appropriately reflect the long-term land use of the general area, taking into account applicable policies of this Plan and, to the extent permitted under this Plan, existing municipal and provincial policies.

#### **B2.5.3.14 New Mineral Aggregate Operations or Expansions to Existing Operations on Lands in the Greenbelt Natural Heritage Overlay**

Where a new mineral aggregate operation or an expansion to an existing operation is proposed in lands within the *Greenbelt Natural Heritage Overlay*, the policies in Section B3.5 applicable to mineral aggregate operations will apply.

## **B2.6 AIRPORT**

### **B2.6.1 Purpose**

To recognize the location of the Niagara Central Airport and the important transportation mode it provides in the Region.

### **B2.6.2 Permitted Uses**

Permitted uses in the *Airport* designation include:

- a) Public and private airport facilities and accessory uses;
- b) Maintenance, storage and/or warehouse uses;
- c) Bulk fuel storage and sales;
- d) Non-commercial, temporary accommodation facilities for corporate flight personnel;
- e) Aviation related training and educational facilities; and,
- f) Private aviation clubs.

### **B2.6.3 Development Policies**

The development of uses in the *Airport* designation may be subject to Site Plan Control. Any redevelopment of existing industrial uses which would involve an expansion of the floor area of more than 25% may also be subject to Site Plan Control. In reviewing an application for Site Plan approval, Council shall be satisfied that:

- a) The proposed use is compliant with the Ministry of Environment D-Series Guidelines to ensure the industrial use is compatible with adjacent uses;
- b) The proposed use is compliant with any regulation, standard, guideline; and/or specification established by both Transport Canada and Nav Canada;
- c) Adequate parking and loading facilities are provided on the site;
- d) Stormwater can be adequately managed in accordance with Town and NPCA standards. In the case of development proposed within the Coyle Creek watershed, stormwater should be treated for quality and quantity to a normal standard. In the case of development proposed within the Welland River watershed, stormwater should be managed for quality purposes to an enhanced standard. Stormwater boundaries are shown on Schedule B1 to this Plan;
- e) The proposed buildings or structures on un-vegetated sites incorporate landscaping to enhance the site and surrounding area; and,
- f) Outdoor storage areas are substantially screened from view from passing traffic.

### **B2.6.4 Servicing**

Permitted uses in the *Airport* designation shall be serviced by private water and sewage systems. The extension of public sewer and water systems to lands located in the Airport designation is not permitted.

### **B2.6.5 Implementing Zoning By-law**

All lands located in the *Airport* designation shall be required to be placed in zone categories that reflect existing uses in the Implementing Zoning By-law.

## **B3 NATURAL HERITAGE DESIGNATIONS**

The Environmental Protection designations contained in this Plan are intended to comprise and reflect the natural heritage system in the Town. The following designations address the natural heritage policies of the Provincial Policy Statement, Niagara Escarpment Plan, Greenbelt Plan and the Regional Policy Plan:

- Niagara Escarpment Plan (refer to Section B3.1 for the applicable policies for this designation);
- Environmental Protection One – Regional Environmental Protection Area (EPA) (refer to Section B3.2 for the applicable policies for this designation);
- Environmental Protection Two – Regional Environmental Conservation Area (ECA) (refer to Section B3.3 for the applicable policies for this designation); and,
- Environmental Protection Three – Greenbelt Plan Key Natural Heritage and Key Hydrological Feature (refer to Section B3.4 for the applicable policies for this designation).

### **B3.1 NIAGARA ESCARPMENT PLAN AREA**

The Niagara Escarpment is a prominent and environmentally significant landform in the Town of Pelham and covers approximately 20% of the Town's total land area.

According to the Niagara Escarpment Plan, "*[the Niagara Escarpment] is the source of some of southern Ontario's prime rivers and streams and one of the province's principal outdoor recreation areas.*" On February 8, 1990, the Bureau of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Man and Biosphere (MAB) program approved the designation of the Niagara Escarpment as a Biosphere Reserve.

It is the intent of this Plan to complement the policies of the Niagara Escarpment Plan (NEP) as appropriate. On this basis, this Section of the Plan identifies the following designations that apply to the Niagara Escarpment in the Town:

- Escarpment Natural Area;
- Escarpment Protection Area;
- Escarpment Rural Area; and,
- Public Lands in the Parks and Open Space System.

The Niagara Escarpment Commission (NEC) is the agency responsible for administering the Niagara Escarpment Plan and shall be consulted to determine the exact location of each designation and to determine the policies applicable to these designations.

#### **B3.1.1 Conflict and Conformity**

Many of the general policies of this Plan are intended to apply to the area of the Niagara Escarpment Plan. Notwithstanding, where there is a conflict with this Plan and the Niagara Escarpment Plan, the provisions of the Niagara Escarpment Plan prevail.

Policies in this Plan that are more restrictive or rigorous than the Niagara Escarpment Plan would continue to apply in the consideration of development proposals.

The NEC is responsible for interpreting the Niagara Escarpment Plan's policies and land use designation boundaries. The outside boundaries of the Niagara Escarpment Plan are fixed and inflexible.

### **B3.1.2 Land Use Administration and Amendment**

Notwithstanding Part E1 of the Plan, the Town's Zoning By-law is not applicable in the area of the Niagara Escarpment Plan and has no force or effect. Land use control is governed by the Niagara Escarpment Development Permit System established by Regulations under the *Niagara Escarpment Planning and Development Act*. Subject to the exemptions provided under Ontario Regulation 828/90, as amended, all new development requires a Development Permit from the NEC before proceeding. Development Permits may be issued where the development proposed under such Permits complies with the Niagara Escarpment Plan.

Amendments to the Niagara Escarpment Plan are made under the *Niagara Escarpment Planning and Development Act*. Amendments to the Town's Plan may also be required from time to time to reflect any amendments made to the Niagara Escarpment Plan.

## **B3.2 ENVIRONMENTAL PROTECTION ONE – REGIONAL ENVIRONMENTAL PROTECTION AREA (EPA)**

### **B3.2.1 Purpose**

The purpose of the *Environmental Protection One* designation is to protect and enhance the ecological integrity of natural heritage features identified as “Core Area – Environmental Protection Areas (EPA)” by the Niagara Region.

### **B3.2.2 Components of the Environmental Protection One Designation**

The *Environmental Protection One* designation contains natural heritage features and functions of special importance to the character of the Town and the Niagara Region. These areas are significant because of their size, location, outstanding quality, or ecological functions. They contribute to the health of the broader landscape and may contain features of local, provincial or even national significance.

The *Environmental Protection One* designation is intended to identify significant natural heritage features outside of the Greenbelt Plan including Provincially Significant Wetlands (PSW). The *Environmental Protection One* designation also includes Provincially Significant Life Science Areas of Natural and Scientific Interest (ANSI) and the significant habitat of endangered species and threatened species inside and outside of the Greenbelt Plan, but not within the Natural Heritage System of the Greenbelt Plan.

The status and boundaries of the features identified in this Policy may change as new information becomes available and consultation with the Province prior to development is recommended. Additional significant natural heritage features may be identified through

comprehensive planning or a development application process. Those new features shall be evaluated for significance and appropriate policies applied, accordingly.

Lands designated as *Environmental Protection One* are shown on Schedule A to this Plan. The individual components of the *Environmental Protection One* designation are shown on Schedule B to this Plan.

Mapping of the significant habitat of endangered species and threatened species is not specifically identified on the schedules to this Plan. Significant habitat of endangered species and threatened species will be identified through the Planning and Development review process. Where such habitat is identified development and site alteration shall be subject to the policies of this Section of the Plan.

### **B3.2.3 Permitted Uses**

Permitted uses on lands designated *Environmental Protection One* are limited to the following:

- a) Forest, fish and wildlife management uses;
- b) Conservation, flood control projects and agricultural drains where it has been demonstrated that they are necessary, in the public interest and other alternatives are not available;
- c) Small-scale, passive recreational uses such as trails, fences, docks and picnic facilities that will have no negative impact on natural features or on the ecological functions of such features; and
- d) Mineral aggregate operations may be permitted within a Provincially Significant Life Science ANSI subject to demonstrating no negative impact to the feature or its ecological functions and also subject to Section B2.5 of this Plan.

### **B3.2.4 Policies Applicable to the Environmental Protection One Designation**

#### **B3.2.4.1 General Conditions for Development and Site Alteration**

Given the sensitive nature of features within the *Environmental Protection One* designation, applications for new development and site alteration in this designation are anticipated to be very limited. However, where development of uses listed in Policy B3.2.3 is proposed, the proponent shall prepare an Environmental Impact Study (EIS) to the satisfaction of the Region in consultation with the Town and NPCA. Nothing in this Section is intended to limit the ability of existing agricultural uses to continue on lands that are designated *Environmental Protection One*.

Development and site alteration shall not be permitted within the habitat of endangered species and threatened species, except in accordance with Provincial and Federal requirements. The Town and Region will confirm how these Provincial requirements may be addressed with the Ministry of Natural Resources.

Where development or site alteration is proposed in proximity to lands in the *Environmental Protection One* designation, efforts should be made to identify and create,



maintain and where possible enhance linkages amongst lands designated *Environmental Protection One*, *Environmental Protection Two*, and/or *Environmental Protection Three*.

#### **B3.2.4.2 Existing Uses in the Environmental Protection One Designation**

Existing, legal uses located within the *Environmental Protection One* designation shall be recognized as legal non-conforming uses in this Plan or as exceptions in the Town's Comprehensive Zoning By-law, such uses shall not be physically expanded or enlarged.

#### **B3.2.4.3 Adjacent Lands**

Adjacent lands are the lands adjacent to a natural heritage feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within:

- 120 metres (393.7 feet) from the boundary of a Provincially Significant Wetland (PSW);
- 50 metres (164 feet) from the boundary of a Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI); and,
- 50 metres (164 feet) from the significant habitat of endangered species and threatened species.

No development or site alteration shall be permitted on adjacent lands unless an Environmental Impact Study (EIS) demonstrates that there will be no negative impact on the feature or its ecological functions. The Region in consultation with the Town and the NPCA shall approve any EIS prepared to address impacts on development or site alteration within adjacent lands. The requirements for an EIS are contained in Section C7 of this Plan. In conjunction with the pre-consultation and/or review of a proposal for development or site alteration within the *Environmental Protection One* designation the NPCA shall confirm if a work permit in accordance with Ontario Regulation 155/06 is required.

#### **B3.2.4.4 Lot Creation**

Where lot creation is proposed in a parcel comprised of lands designated *Environmental Protection One*, the severed lot(s) shall not be comprised of any land in the *Environmental Protection One* designation. The retained lands shall be retained as a single lot in a natural state and shall be zoned or identified through a Site Plan Agreement to protect ecological functions and natural features. Notwithstanding, where a public agency is securing land with critical habitat or features, such applications may be exempted from this policy requirement.

If a proposed single residential lot is to be located entirely within the adjacent lands of a feature in the *Environmental Protection One* designation, the requirement for an Environmental Impact Study (EIS) may be waived if Council and the Region in consultation with the NPCA and in accordance with the Region's EIS guidelines are satisfied such that standard mitigation measures can avoid negative impacts on the natural heritage features and hydrologic functions.

#### **B3.2.4.6 Infrastructure**

New or expanding infrastructure is not permitted in the *Environmental Protection One* designation with the exception of linear infrastructure constructed by a public authority or agency through an environmental assessment process.

Where infrastructure is permitted to cross or encroach into such areas, it shall minimize negative impacts and disturbance on the feature or its related functions and, where reasonable, maintain or improve connectivity among such areas and vegetative protection buffers.

For private infrastructure serving the agricultural sector such as drainage courses, these elements may be established within *Environmental Protection One* features as per the *Ontario Drainage Act R.S.O. 1990 Chapter D.17* and provided all reasonable efforts are made to keep such infrastructure out of such features and the proposed infrastructure is consistent with other applicable legislation.

#### **B3.2.4.7 Other Areas Identified Through a Planning Process**

There may be areas in the Town where a planning approval process identifies a currently non-designated natural heritage feature that meets the criteria of the *Environmental Protection One* designation that should be protected from development. Specifically, features may be identified at the time of the review of a development application or as part of a Secondary Plan process. Such areas may be incorporated within the Official Plan through the Secondary Plan process or by separate Official Plan Amendment, and shall be subject to the policies of this Plan.

Minor refinements to the extent of the *Environmental Protection One* designation shall not require an Amendment to this Plan, provided such refinements are undertaken in consultation with the Ministry of Natural Resources (MNR), where such refinements affect Provincially Significant Wetlands (PSWs), Provincially Significant Life Science ANSI's, or the significant habitat of endangered species and threatened species.

#### **B3.2.4.8 Use of Lands in Private Ownership**

Where any land within the *Environmental Protection One* designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

#### **B3.2.4.9 Transfer of Environmental Lands into Public Ownership**

Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would support and/or facilitate the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the *Environmental Protection One* designation will be purchased by the Town or any other public agency.

The use of conservation easements will be considered by the Town to implement the environmental policies of this Plan.

Council shall consider every opportunity to obtain the dedication of lands within the *Environmental Protection One* designation through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

### **B3.2.5 Zoning By-law Implementation**

The boundaries of the *Environmental Protection One* designation were derived from mapping provided by the Niagara of Region and are shown on Schedule A to this Plan. Lands within the *Environmental Protection One* designation will be placed in an appropriate environmental zone in the Implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Environmental Protection One* designation in relation to the extent and sensitivity of the natural heritage features and ecological functions of the area.

Some of the policies in this Section that apply to adjacent lands are discretionary and in most cases the ability to alter or development land is dependent upon the completion of an EIS. Where this is the case, adjacent lands may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with future development subject to the fulfilment of specified technical requirements, which may include the issuance of work permit from the NPCA. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by a By-law prepared in accordance with the policies of this Plan.

## **B3.3 ENVIRONMENTAL PROTECTION TWO – REGIONAL ENVIRONMENTAL CONSERVATION AREA (ECA)**

### **B3.3.1 Purpose**

The purpose of the *Environmental Protection Two* designation is to recognize and maintain other natural heritage features not included in the *Environmental Protection One* designation. Features within the *Environmental Protection Two* designation represent Environmental Conservation Areas under the “Core Natural Areas (ECA)” of the Regional Policy Plan.

### **B3.3.2 Components of the Environmental Protection Two Designation**

The following is a listing of those natural heritage features that comprise the *Environmental Protection Two* designation:

- Locally significant wetlands located outside of the Greenbelt Plan;
- Significant habitat of special concern species;
- Significant woodlands;
- Significant valleylands;
- Regionally significant Life Science Areas of Natural and Scientific Interest (ANSI);
- Savannahs and tall grass prairies;

- Alvars;
- Significant wildlife habitat; and,
- Publicly owned conservation lands.

### **B3.3.3 Permitted Uses**

#### **B3.3.3.1 Principal Land Uses**

The principal uses of land in the *Environmental Protection Two* designation shall be:

- a) Forest, fish and wildlife management uses;
- b) Conservation and flood control projects where it has been demonstrated that they are necessary, in the public interest and other alternatives are not available; and,
- c) Small-scale, passive recreational uses such as trails, fences, docks and picnic facilities that will have no negative impact on the natural heritage features or on the ecological functions of such features.

Nothing in this Section is intended to limit the ability of existing agricultural uses to continue on lands that are designated *Environmental Protection Two*.

#### **B3.3.3.2 Additional Uses**

The following additional uses may be permitted in the *Environmental Protection Two* designation in accordance with the provisions of Policy B3.3.4. These uses include:

- a) Accessory residential uses on farm properties;
- b) Agricultural-related uses;
- c) Agricultural uses;
- d) Bed and breakfast establishments;
- e) Home occupations; and,
- f) Single detached dwellings on existing lot of record.

### **B3.3.4 Policies Applicable to the Environmental Protection Two Designation**

#### **B3.3.4.1 General Conditions for New Development**

New development and site alteration may be permitted in the *Environmental Protection Two* designation provided it has been demonstrated through an Environmental Impact Study (EIS) that there will be no negative impact to the natural heritage feature or its ecological functions. An EIS submitted in accordance with this Section of the Plan shall be approved by the Region in consultation with the Town and NPCA.

Where development or site alteration is proposed in proximity to lands in the *Environmental Protection Two* designation, efforts should be made, to maintain and where possible enhance linkages amongst lands designated *Environmental Protection One*, *Environmental Protection Two*, or *Environmental Protection Three*.

In addition, where development or site alteration is proposed, a Tree Preservation Plan shall be required to provide recommendations with respect to the protection or enhancement of existing trees. The Plan shall be prepared in accordance with the Niagara Region Tree and Forest Conservation By-law and implementation of the plan should be authorized and monitored by a member of the Ontario Professional Forestry Association.

#### **B3.3.4.2 Existing Uses in the Environmental Protection Two Designation**

An expansion to an existing residential use located within an *Environmental Protection Two Designation* may be permitted if it will have no negative impact on the natural heritage feature or its ecological functions. If the expansion involves a substantial intensification in land use or increase in the land area devoted to the use the proponent shall prepare an Environmental Impact Study (EIS) in accordance with Section C7 of this Plan. The applicant may be required to obtain a permit from NPCA where the expansion is located within a regulated area.

#### **B3.3.4.3 Adjacent Lands**

Adjacent lands are the lands adjacent to a natural heritage feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within 50 metres of land designated *Environmental Protection Two*.

Development and site alteration may be permitted without an Official Plan Amendment on adjacent lands, subject to the completion of an Environmental Impact Study (EIS). The EIS will be required to demonstrate that there will be no negative impact on the natural heritage feature or its ecological functions. The EIS will be approved by the Region in consultation with the Town and the NPCA. The requirements for an EIS are contained in Section C7 of this Plan.

#### **B3.3.4.4 Existing Lots**

A new residence and accessory uses may be permitted on an existing lot of record located in whole or in part on lands designated *Environmental Protection Two* if they are sited, designed, and constructed to minimize negative impacts on the natural features and ecological functions of the subject lands and provided such site alteration or development has addressed NPCA regulations to allow the issuance of a work permit.

#### **B3.3.4.5 Lot Creation**

Where lot creation is proposed in the *Environmental Protection Two* designation, the new lot(s) shall not be comprised of any land in the *Environmental Protection Two* designation. The retained lands shall be retained as a single lot in a natural state and shall be zoned to protect ecological functions and natural heritage features. Notwithstanding, where a public agency is securing land with critical habitat or features, such applications may be exempt from this policy requirement.

If a proposed single residential lot is to be located entirely within the adjacent lands to lands designated *Environmental Protection Two*, the requirement for an Environmental Impact Study (EIS) may be waived if Council and the Region in consultation with NPCA in accordance with the Region's EIS guidelines are satisfied that standard mitigation

measures can avoid negative impacts on the natural heritage feature and ecological functions in the *Environmental Protection Two* designation.

In conjunction with the pre-consultation and processing of any application, the Town will ensure the Region and NPCA are provided an opportunity to review and provide comments on such applications.

#### **B3.3.4.6 Infrastructure**

New or expanding infrastructure is not permitted in the *Environmental Protection Two* designation with the exception of linear infrastructure constructed by a public authority or agency through an environmental assessment process.

Where infrastructure is permitted to cross or encroach into such areas, it shall minimize negative impacts and disturbance on the natural heritage feature or its related ecological functions and, where reasonable, maintain or improve connectivity among such areas and vegetative protection buffers.

For private infrastructure serving the agricultural sector such as drainage courses, these elements may be established within *Environmental Protection Two* features as per the *Ontario Drainage Act R.S.O. 1990 Chapter D.17* and provided all reasonable efforts are made to keep such infrastructure out of such features and the proposed infrastructure is consistent with other applicable legislation.

#### **B3.3.4.7 Mineral Aggregate Operations**

Where a mineral aggregate operation is proposed in lands located within the *Environmental Protection Two* designation, an Official Plan Amendment and Zoning By-law Amendment shall be required and shall be supported by an Environmental Impact Study (EIS) prepared in accordance with Section C7. In addition to the requirements of Section C7, the EIS shall also specifically consider:

- a) Whether connectivity among natural heritage and hydrological features will be maintained or enhanced, before, during and after mineral aggregate extraction;
- b) Whether hydrologic features and functions will be maintained or enhanced, before, during and after mineral aggregate extraction; and,
- c) How *Environmental Protection Two* features and their ecological functions that would be affected will be replaced, on or off site, with features and functions of equal or greater ecological value that are representative of the natural ecosystem in the particular setting or ecodistrict of the feature or features to be impacted.

#### **B3.3.4.8 Other Areas Identified Through a Planning Process**

There may be areas in the Town where a detailed planning approval process identifies a non-designated natural heritage feature that should be protected from development. Specifically, features may be identified at the time of the review of a development application or as part of a Secondary Plan process.

Such areas may be added to the Official Plan by amendment or in conjunction with the planning process that realized the feature, and shall be subject to the policies of this Plan.

#### **B3.3.4.9 Use of Lands in Private Ownership**

Where any land within the *Environmental Protection Two* designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

#### **B3.3.4.10 Transfer of Environmental Lands into Public Ownership**

Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would facilitate/support the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the *Environmental Protection Two* designation will be purchased by the Town or any other public agency.

The use of conservation easements will be considered by the Town to implement the environmental policies of this Plan.

Council shall consider every opportunity to obtain the dedication of lands within the *Environmental Protection Two* designation through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

#### **B3.3.4.11 Significant Woodlands**

It is noted that while the *Environmental Protection Two* designation is intended to include significant woodlands, the features identified on Schedule B as “Wooded Areas” have not been assessed or confirmed for significance. As a result, these features have not been included in the *Environmental Protection Two* designation.

When an assessment of these features has been completed in accordance with the Regional Policy Plan, and to the satisfaction of the Town, Region and NPCA, the “Wooded Areas” shown on Schedule B which are confirmed as being significant will be added to the *Environmental Protection Two* designation through an Official Plan Review or by a special amendment.

When development or site alteration is proposed within 50 metres of a Wooded Area identified on Schedule B, an assessment will be required to determine if the feature is significant in accordance with the Regional Policy Plan. This assessment will be completed to the satisfaction of the Town, Region and NPCA.

#### **B3.3.4.12 Significant Valleylands**

It is noted that while valleylands have been identified on Schedule B1 as “Valleyland”, such features have not been assessed or confirmed for significance. When a field assessment of these features has been completed to the satisfaction of the Town, Region and NPCA, Schedule A will be amended accordingly to identify significant valleylands as *Environmental Protection Two*. The determination of the lands subject to assessment and the methodology to undertake the assessment shall be established through pre-consultation meetings with the Town and NPCA.

### **B3.3.4.13 Natural Heritage Features Within the Settlement Areas**

Schedule B to this Plan identifies a number of natural heritage features within the Settlement Areas of Fonthill and Fenwick. These features have not been assessed for significance within the settlements and therefore have not been placed in an Environmental Protection designation. Where assessment undertaken through a comprehensive study or an individual development application confirms that features identified on Schedule B are significant, such features will be appropriately designated in accordance with Section B3 of this Plan. Notwithstanding, it is noted that features located within the East Fonthill Secondary Plan have been assessed in conjunction with the preparation of the Secondary Plan for this area and are therefore designated and subject to the Environmental Protection policies of this Plan.

### **B3.3.5 Zoning By-law Implementation**

The boundaries of the *Environmental Protection Two* designation were derived from mapping provided by the Niagara Region and shown on Schedule A to this Plan. Lands within the *Environmental Protection Two* designation will be placed in an appropriate environmental zone in the Implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Environmental Protection Two* designation in relation to the extent and sensitivity of the natural heritage features and ecological functions of the area.

A number of policies in this designation are discretionary in nature and in most cases the ability to expand or develop uses is dependent upon the completion of an Environmental Impact Study (EIS). Where this is the case, lands may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with development being permitted subject to the fulfilment of specified technical requirements. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by By-law.

## **B3.4 ENVIRONMENTAL PROTECTION THREE (GREENBELT KEY NATURAL HERITAGE AND KEY HYDROLOGICAL FEATURES)**

### **B3.4.1 Purpose**

The purpose of the *Environmental Protection Three* designation is to implement the “Natural Heritage System” provisions of the *Greenbelt Plan (2005)* as it applies to key natural heritage features in the Greenbelt Natural Heritage System and key hydrologic features anywhere within the Protected Countryside.

### **B3.4.2 Components of the Environmental Protection Three Designation**

#### **B3.4.2.1 Key Natural Heritage Features in the Natural Heritage System**

- Significant habitat of endangered species, threatened species and special concern species;
- Fish habitat;



- Wetlands;
- Life Science Areas of Natural and Scientific Interest (ANSIs);
- Significant valleylands;
- Significant woodlands;
- Significant wildlife habitat;
- Sand barrens, savannahs and tallgrass prairies; and,
- Alvars.

#### **B3.4.2.2 Key Hydrologic Features Located Anywhere Within the Protected Countryside of the Greenbelt Plan**

- Permanent and intermittent streams;
- Lakes and their littoral zones;
- Seepage areas and springs; and,
- Wetlands.

#### **B3.4.2.3 Location of Key Natural Heritage and Key Hydrologic Features**

Schedule B and Schedule B1 identify a wide range of key natural heritage and key hydrologic features. This mapping represents the most current information that was available at the time this Official Plan was prepared.

It is anticipated that there are features listed in Policy B3.4.2.1 and B3.4.2.2 that have not been identified on Schedule B to this Plan. This being the case, it will be a priority at the time of an Official Plan Review to specifically review environmental feature data prepared by the Region, the NPCA or any Provincial Ministry to ensure the information contained in this Plan is up-to-date.

It is also noted that while the *Environmental Protection Three* designation is intended to include significant woodlands, the features identified on Schedule B as “Wooded Areas” have not been assessed or confirmed for significance. As a result, these features have not been included in the *Environmental Protection Three* designation. When an assessment of these features has been completed in accordance with the Greenbelt Plan 2005 Technical Paper 1, Technical Definitions and Criteria for Key Natural Heritage Features in the Natural Heritage System of the Protected Countryside (December 7, 2012, or its successor) and to the satisfaction of the Town, Region and NPCA, the “Wooded Areas” shown on Schedule B which are confirmed as being significant will be added to the *Environmental Protection Three* designation through an Official Plan Review or by a special amendment.

When development or site alteration is proposed within 120 metres of a Wooded Area identified on Schedule B within the *Greenbelt Natural Heritage Overlay*, an assessment will be required to determine if the feature is significant in accordance with Greenbelt Plan 2005 Technical Paper 1. This assessment will be completed to the satisfaction of the Town, Region and NPCA.

In addition, the Town will require a proponent of a development application to assess or confirm the boundaries of key hydrologic features on-site or within 120 metres of the proponent's lot in cases where Schedules B and B1 identify a hydrological feature or where such a feature has been confirmed by a field assessment. Should a key hydrologic feature be confirmed in accordance with the Greenbelt Plan, the policies of this Section with respect to impact assessment shall apply.

### **B3.4.3 Permitted Uses**

#### **B3.4.3.1 Principal Land Uses**

The principal uses of land in the *Environmental Protection Three* shall be:

- a) Forest, fish and wildlife management;
- b) Conservation and flood control or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;
- c) Linear infrastructure subject to the policies of this Plan;
- d) Mineral aggregate operations and wayside pits and quarries proposed in the *Environmental Protection Three* designation shall be in accordance with the Provincial Policy Statement, except as provided by the *Specialty Agricultural* rehabilitation policies in Policy B2.5.3.13 and the *Greenbelt Natural Heritage Overlay* designation policies in Section B3.5; and,
- e) Small scale passive recreational uses, subject to the policies of this Plan.

### **B3.4.4 General Policies**

#### **B3.4.4.1 Policies for New Development**

In accordance with the policies of the Greenbelt Plan (2005), new development and/or site alteration is not anticipated within the *Environmental Protection Three* designation as this designation is intended to represent the most significant concentration of sensitive environmental land in the Greenbelt. In accordance with the Greenbelt Plan and Regional Policy Plan, no new development or site alteration shall be permitted within lands designated *Environmental Protection Three*, including any associated vegetation protection zone, with the exception of uses specified in Policy B3.4.3.1.

Any proposal for development or site alteration on lands within 120 metres of any feature located within the *Environmental Protection Three* designation, shall prepare an Environmental Impact Study (EIS), the primary purpose of which is to identify a self-sustaining vegetation protection zone. The EIS is to be prepared to the satisfaction of the Region in consultation with the Town and NPCA.

The vegetation protection zone shall be determined at the time of a planning approval. However, in the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, the minimum width of the vegetation protection zone shall be 30 metres.

Any vegetation protection zone developed in accordance with this Section should be sufficient to protect features as identified in the *Environmental Protection Three* designation and the related function(s) of the feature during and subsequent to site alteration or development. Vegetation protection zones shall also be designed to exist over the long term in a natural self-sustaining manner. Vegetation protection zones may also be zoned or recognized in Site Plan Agreements or Development Permits to protect their natural features and ecological functions.

New agricultural buildings and structures, agricultural related buildings and structures or secondary uses are permitted in the adjacent lands to a feature in the *Environmental Protection Three* designation provided such buildings or structures maintain a minimum 30 metre vegetation protection zone.

However, if the lands located within the 30 metre vegetation protection zone are used for agricultural purposes at the time of construction, such development may be exempted from the requirement of establishing a condition of natural self-sustaining vegetation if the land is, and will continue to be used for agricultural purposes. Despite this exemption, agricultural uses should pursue best management practices to protect and/or restore key hydrological features and functions.

#### **B3.4.4.2 Use of Vacant Lots for Residential Use**

Where a vacant lot exists in the *Environmental Protection Three* designation, such lot may be used for a single residential dwelling provided the lot was zoned to permit a single residential dwelling use on December 16, 2004, the date the *Greenbelt Plan (2005)* came into effect and a permit has been issued by the NPCA in accordance with Ontario Regulation 155/06 or its predecessor if a permit is required.

#### **B3.4.4.3 Expansion of Buildings or Structures**

The expansion of agricultural buildings or structures and residential dwellings may be permitted on lands in the *Environmental Protection Three* designation provided the existing buildings or the proposed expansion does not occur in a Provincially Significant Wetland (PSW) or Life Science ANSI, or the significant habitat of endangered species, threatened species and special concern species. Where such development is proposed, the following policy shall apply:

- a) The proposal demonstrates that there is no reasonable alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible;
- b) The impact of the expansion or alteration on the feature and its function is minimized to the maximum extent possible.

Any application to expand an existing building shall be subject to an application to the Committee of Adjustment to expand a legal non-conforming use or a Development Permit. In conjunction with the pre-consultation and processing of any application, the Town will ensure the Region and NPCA are provided an opportunity to review and provide comments on such applications.

#### **B3.4.4.4 Other Areas Identified Through a Planning Process**

There may be areas in the Town where a detailed planning approval process may identify a key natural heritage feature or key hydrological feature that should be protected from development. Specifically, features may be identified at the time of the review of a development application or as part of a Secondary Plan process. Such areas may be added to the Official Plan by amendment, and shall be subject to the policies of this Plan.

#### **B3.4.4.5 Use of Lands in Private Ownership**

Where any land within the *Environmental Protection Three* designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

#### **B3.4.4.6 Transfer of Environmental Lands into Public Ownership**

Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would result in the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the *Environmental Protection Three* designation will be purchased by the Town or any other public agency.

The use of conservation easements will be considered by the Town to implement the policies of this Plan.

Council shall consider every opportunity to obtain the dedication of lands within the *Environmental Protection Three* designation through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

#### **B3.4.5 Zoning By-law Implementation**

The boundaries of the *Environmental Protection Three* designation were derived from mapping provided by the Niagara Region and the Province of Ontario through the Greenbelt Plan (2005). Lands within the *Environmental Protection Three* designation will be placed in an appropriate environmental zone in the Implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Environmental Protection* designation in relation to the extent and sensitivity of the natural heritage features and ecological functions of the area.

A number of policies in this designation are discretionary in nature and in most cases the ability to expand or develop uses is dependent upon the completion of an Environmental Impact Study (EIS). Where this is the case, lands may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with development being permitted subject to the fulfilment of specified technical requirements. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by By-law.

## **B3.5 GREENBELT NATURAL HERITAGE OVERLAY**

### **B3.5.1 Purpose**

The purpose of the *Greenbelt Natural Heritage Overlay* designation is to implement the “Natural Heritage System” provisions of the *Greenbelt Plan (2005)* as it applies in the Town of Pelham.

### **B3.5.2 Location**

The Greenbelt Natural Heritage Overlay designation applies to all lands designated as Natural Heritage System on Schedule 4 of the Greenbelt Plan (2005), and on Schedule A to this Official Plan. As an overlay designation, the policies of this Section are supplementary to those of the underlying land use designations.

### **B3.5.3 Permitted Uses**

#### **B3.5.3.1 Principal Land Uses**

Permitted uses within the *Greenbelt Natural Heritage Overlay* shall be those of the underlying land use designation. The *Greenbelt Natural Heritage Overlay* designation intends to add moderate environmental policies to such lands in the interest of protecting linkages between key natural heritage features and hydrologic features.

Where the *Greenbelt Natural Heritage Overlay* designation applies, the provisions of the underlying designation shall also apply, unless there is a policy conflict between the two land use designations in which case the provisions of the more restrictive designation shall apply.

### **B3.5.4 General Policies**

#### **B3.5.4.1 Policies for New Development**

Development and site alteration may occur within the *Greenbelt Natural Heritage Overlay* designation provided that an Environmental Impact Study (EIS) is prepared in accordance with Section C7 of this Plan and approved by the Region in consultation with the Town and the NPCA. In addition to the requirements of Section C7, such an EIS will also demonstrate that:

- a) There will be no negative effects on key natural features or key hydrologic features or their functions within the *Greenbelt Natural Overlay*;
- b) Connectivity between key natural heritage features and key hydrologic features is maintained, or where possible, enhanced to allow the natural migration and movement of native plants and animals across the landscape. Furthermore, connectivity along the system and between key natural heritage features or key hydrologic features located within 240 metres of each other shall be maintained or enhanced;
- c) The removal of other natural features not identified in Policy B3.4.2 should be avoided and such features should be incorporated into the planning and design of the proposed development, where possible;

- d) Buildings or structures do not occupy more than 25% of the total developable area and are compatible with the surrounding natural environmental features;
- e) The disturbed area of any site does not exceed 25%, and the impervious surface does not exceed 10% of the total developable area, except for recreational uses and mineral aggregate operations;
- f) Notwithstanding (e), the maximum disturbed area for golf courses shall not exceed 40% of the site; and,
- g) At least 30% of the total developable area of the site will remain or be returned to natural self-sustaining vegetation, except for mineral aggregate operations.

Where major development is approved, a Tree Preservation Plan shall be required demonstrating the maintenance or enhancement of the remaining natural features on site. The Plan shall be prepared in accordance with the Niagara Region Tree and Forest Conservation By-law and its implementation monitored by a member of the Ontario Professional Forestry Association, Certified Arborist, or other profession deemed acceptable by Council.

#### **B3.5.4.2 New Agricultural Uses**

Policy B3.5.4.1 shall not apply to new or expanding agricultural buildings and structures, agricultural related buildings and structures or secondary uses but are subject to Policy B3.4.4.1.

#### **B3.5.4.3 New Mineral Aggregate Operations and Wayside Pits and Quarries**

The establishment of new mineral aggregate operations, wayside pits and quarries, together with any ancillary or accessory use may be permitted within the *Greenbelt Natural Heritage Overlay* designation provided the operation is not proposed within:

- a) Provincially Significant Wetlands (PSW);
- b) Significant habitat of endangered species and threatened species; and,
- c) Significant woodlands, unless the woodland constitutes a young plantation or early successional habitat as defined by the Ministry of Natural Resources.

Where the establishment of a new mineral aggregate operation, wayside pit and quarry, together with any ancillary or accessory use is proposed within the *Greenbelt Natural Heritage Overlay* designation, including within other key natural heritage features and key hydrological features not identified in a), b), or c) above, and any vegetation protection zone associated with such other feature as per the Greenbelt Plan, the following matters shall be addressed in conjunction with an application for Official Plan and Zoning By-law Amendment:

- i) The proponent shall prepare a Hydrogeological Assessment to demonstrate how the Water Resource System will be protected or enhanced;
- ii) The health, diversity and size of key natural heritage features and key hydrologic features on-site will be maintained or restored and, to the extent possible, improved to promote a net gain of ecological health;
- iii) Any permitted extraction of mineral aggregates that occurs in a key natural heritage or key hydrological feature will be completed, and the area will be rehabilitated, as

early as possible in the life of the operation;

- iv) Aquatic areas remaining after extraction are to be rehabilitated and shall be representative of the natural ecosystem with the particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation shall meet the intent of (ii) and (iii) above;
- v) Rehabilitation will be implemented so that the connectivity of key natural heritage features and key hydrologic features on the site and on adjacent lands will be maintained or restored, and to the extent possible, improved;
- vi) The proponent shall demonstrate how connectivity between key natural heritage features and key hydrologic features will be maintained before, during and after the extraction of mineral aggregates; and,
- vii) In the event habitat is lost from the site, the Environmental Impact Study (EIS) shall establish how habitat will be immediately replaced on the site or on adjacent lands.

In the case of applications under the *Aggregate Resources Act* for a wayside pit or quarry, the above criteria (vi) and (vii) shall not apply.

#### **B3.5.4.4 Expansion of Existing Mineral Aggregate Operations**

The expansion of existing mineral aggregate operations may be permitted within the *Greenbelt Natural Heritage Overlay* including key natural heritage features and key hydrologic features and any associated vegetation protection zones provided such expansion is consistent with the Provincial Policy Statement (2005) and the relevant policies of the Greenbelt Plan.

#### **B3.5.4.5 Rehabilitation of Mineral Aggregate Operations**

Subject to Policy B2.5.3.11, the following additional policies concerning rehabilitation may apply to mineral aggregate operations in the *Greenbelt Natural Heritage Overlay* designation:

- a) Where there is no underwater extraction, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35% of each license, is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict;
- b) Where there is underwater extraction, no less than 35% of the non-aquatic lands of each license is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict; and,
- c) Rehabilitation will be implemented so that the connectivity features within the *Environmental Protection Three* designation on the site and on adjacent lands will be maintained or restored, and to the extent possible, improved.

#### **B3.5.4.6 Use of Vacant Lots for Residential Use**

Where a vacant lot exists in the *Greenbelt Natural Heritage Overlay* designation, such lot may be used for residential use provided the lot was zoned to permit residential use on the date the *Greenbelt Plan (2005)* came into effect and provided that site alteration and development occurs in accordance with the policies of this Section. Where such vacant is

located in or adjacent to lands regulated by the NPCA, a work permit will also be required prior to site alteration or development.

Where the policies of the underlying land use designation permit lot creation, the requirement for an Environmental Impact Study (EIS) may be waived if Council, the Region and the NPCA are satisfied that mitigation measures can be implemented to avoid or minimize negative impacts on key natural heritage features and functions or key hydrologic features and functions.

#### **B3.5.4.7 Infrastructure**

New or expanding public infrastructure should avoid the *Greenbelt Natural Heritage Overlay* designation where possible.

Where it has been established that there is no reasonable alternative, new or expanding infrastructure shall be permitted to cross or encroach into such areas. In such cases, planning, design, and construction practices shall minimize negative impacts and disturbance on the features and related functions and, where reasonable, maintain or improve connectivity among such features.

For infrastructure serving the agricultural sector, such works and installations may be established within fish habitat or key natural heritage or key hydrologic features provided all reasonable efforts are made to keep such infrastructure out of such features and provided an appropriate work permit has been issued by the NPCA in cases where site alteration or development is proposed in or adjacent to lands regulated by Ontario Regulation 155/06 or its successor.

#### **B3.5.4.8 Use of Lands in Private Ownership**

Where any land within the *Greenbelt Natural Heritage Overlay* designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

#### **B3.5.4.9 Transfer of Environmental Lands into Public Ownership**

Council will endeavour to work with the Region and other public agencies, such as the Province, to develop and implement a land securement strategy that would support/facilitate the transfer of environmental lands into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the *Greenbelt Natural Heritage Overlay* designation will be purchased by the Town or any other public agency.

The use of conservation easements should be considered by the Town to implement the policies of this Plan. Council shall consider every opportunity to obtain the dedication of lands within the *Greenbelt Natural Heritage Overlay* designation through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

### **B3.5.5 Zoning By-law Implementation**

The boundaries of the *Greenbelt Natural Heritage Overlay* designation are delineated on Schedule A. Where boundaries illustrated on Schedule 4 of the Greenbelt Plan (2005)



and Schedule A of this Plan do not coincide, every effort should be made to refine the boundaries with greater precision. However, the results of such efforts may be added to this Plan only when Town mapping is updated to ensure conformity with the Greenbelt Plan (2005), its amendments, or its successor. Such lands will be placed in an appropriate exception zone in the Implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Greenbelt Natural Heritage Overlay* designation in relation to the extent and sensitivity of the natural heritage features and ecological functions of the area.

A number of policies in this designation are discretionary in nature and in most cases the ability to expand or develop uses is dependent upon the completion of an Environmental Impact Study (EIS). Where this is the case, lands may be zoned in a prohibitive manner or in a Holding Zone or Conditional Zone, with development being permitted subject to the fulfilment of specified technical requirements. Implementation of certain development policies may also be subject to Site Plan Control or a Development Permit, subject to Council authorization by By-law.

## **B3.6 FLOODPLAIN**

### **B3.6.1 Purpose**

To identify lands regulated by the NPCA as being prone to flooding and to protect public safety by restricting land use and development within the floodplain.

### **B3.6.2 Permitted Uses**

- a) Reconstruction or minor additions to existing structures in accordance with Policy B3.6.4;
- b) Additions or extensions, including new structures, to existing primary agricultural operations which are not likely to incur significant flood damages, impede flows, reduce flood storage, or cause pollution to a watercourse, as a result of a flooding event;
- c) Open space uses, public and private recreational areas (including boat docks and marina facilities), excluding buildings;
- d) Inground swimming pools provided:
  - i) Adequate hydrostatic pressure relief is incorporated into the design; and,
  - ii) Excavated material is removed from the site.
- e) Parking lots provided:
  - i) The flood depths under a regulatory flood event do not exceed 0.3 metres (1.0 foot) (based on the technical criteria developed through the “MNR Natural Hazards Technical Guide, 2002”); and,
  - ii) The depth criteria, noted in item (i) above, is not achieved through the placement of fill material.
- f) Material and equipment storage provided that:

- i) They are property anchored to prevent flotation;
  - ii) They are not subject to major damage by flooding;
  - iii) They are not of a polluting nature; and,
  - iv) Flood flows or flood water storage are not impeded.
- g) Railroads, streets, bridges, public services, and pipelines for transmission and distribution of water, gas, oil and electricity, provided that the approved engineering designs recognize and, where necessary, address the flooding potential at the site;
  - h) Uses, excluding structures, not likely to incur or create damage from floodwaters;
  - i) Any development which by nature must locate within the floodway, including flood or erosion control works;
  - j) Any area identified as a Special Policy Area by the Minister of Natural Resources and Minister of Municipal Affairs and Housing in accordance with Policy 3.1.3 (a) of the Provincial Policy Statement (2005); and,
  - k) Notwithstanding the policies above, the following uses shall not be permitted to locate within the Floodplain designation:
    - i) An institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of erosion;
    - ii) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of erosion; and
    - iii) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

### **B3.6.3 One Zone Approach**

The NPCA implements a one zone approach to floodplain management. Under the one zone approach, the regulatory floodplain shall be defined as follows:

- a) Where 100 year flood information is available – the 100 year flood;
- b) Where Regional flood information is available and the 100 year flood information is not available. Under this clause, however, the landowner will have the option of the determining, at the landowner's expense, the limits of the 100 year flood; and,
- c) Where no floodplain information is available and the Authority has a flooding concern the landowner will be requested to determine the limits of the 100 year flood.

Under the one zone approach, construction activities are limited or restricted within the regulatory floodplain. Permitted development may include reconstruction or minor additions to existing structures as well as extensions to existing agricultural operations, provided certain technical requirements of the NPCA can be achieved.

Other uses, such as open space, or others which are not likely to incur or create damage to other properties from floodwaters, or cause a threat to public safety, or are not of a

polluting nature may be permitted within the floodplain. Examples of uses or structures that would create adverse impacts in the floodplains or our riverine systems include, but are not limited to, new buildings, above-ground swimming pools, septic tile fields and tanks, as well as manure storage and handling facilities.

#### **B3.6.4 Existing Buildings in the Floodplain**

- a) Any building, which is located in the floodplain, that has been destroyed for reasons other than flooding, may be allowed to be rebuilt, provided the building cannot be relocated to an area outside of the floodplain, as determined by the NPCA. All of the following criteria must be achieved through the reconstruction proposal:
  - i) The existing flood depths do not exceed 0.8 metres (2.6 feet), the velocity does not exceed 1.7 metres/second (5.5 feet/second) and the product of depth and velocity is not greater than 0.4 square metres/second (4 square feet/second) under a regulatory flood event (based on Ministry of Natural Resources Policy and Water Survey of Canada “Hydrometric Field Manual (1981)”);
  - ii) The building will be built on the existing foundation area and will not exceed the original flood area (ground floor area) of the previous structure;
  - iii) Suitable dry passive flood proofing measures are undertaken to provide protection to the regulatory flood elevation; and,
  - iv) Other landowners, upstream and downstream of the proposal, will not be adversely affected by the reconstruction.
- b) Minor additions to existing buildings in the floodplain may be permitted provided that:
  - i) They are of a peripheral nature (such as decks, patios, open porches); and, they are properly anchored to prevent flotation; they are not subject to major damage by flooding; and, flood flows and flood water storage are not impeded; or,
  - ii) They meet all of the following criteria:
    - Any addition to the ground floor area of an existing building shall not exceed 20% of the original ground floor area or 300 square feet, whichever is the lesser. Subsequent requests for additions which will result in the cumulative exceedence of 20% of the original floor area or 300 square feet, whichever is the lesser, will not be considered under this section. Proposed additions greater than that noted above will be regarded as ‘major’ additions and are not permitted.
    - The existing flood depths do not exceed 0.8 metres (2.6 feet), the velocity does not exceed 1.7 metres/second (5.5 feet/second) and the product of depth and velocity is not greater than 0.4 square metres/second (4 square feet/second) under a regulatory flood event (based on Ministry of Natural Resources Policy and Water Survey of Canada “Hydrometric Field Manual (1981)”);
    - Suitable dry passive flood proofing measures are undertaken to provide protection to the regulatory flood elevation; and,
  - iii) Other landowners, upstream and downstream of the proposal, will not be adversely affected by the addition.

### **B3.6.5 Role of the Niagara Peninsula Conservation Authority**

The Niagara Peninsula Conservation Authority (NPCA) is the primary agency responsible for assessing and permitting development within the *Floodplain* designation and all other lands duly regulated under the Conservation Authorities Act and its appurtenant regulations. Where planning approvals or building permits are required to facilitate development in the floodplain, such approvals and permits will be depend on clearance from the NPCA.

### **B3.6.6 Implementation**

All lands located in a *Floodplain* designation will be placed in a Hazard Land Zone which restricts land use in accordance with the policies of this Plan.

## **B3.7 VALLEYLAND**

### **B3.7.1 Purpose**

The purpose of the *Valleyland* designation is to implement the “*Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06*” prepared by the NPCA relating to valleylands, and the provisions of the *Provincial Policy Statement (2005)*.

### **B3.7.2 Permitted Uses**

Permitted uses within the *Valleyland* designation as shown on Schedule B1 shall be restricted to uses specified in the underlying *Specialty Agricultural* or *Good General Agricultural* or other applicable designations shown on Schedule A as well as those uses required for public works, utilities and other projects taken by Crown Corporations as well as for unusual circumstances, subject to the approval of the NPCA and the municipality. Where the *Valleyland* designation is located within an *Environmental Protection* designation identified on Schedule A, the respective policies of the *Environmental Protection* designation shall apply.

Notwithstanding the policies above, the following uses shall not be permitted to locate within the *Valleyland* designation:

- a) An institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of erosion;
- b) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of erosion; and
- c) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Where such uses legally exist within the *Valleyland* designation they will be encouraged to locate in an appropriate location elsewhere within the municipality.

Nothing in this Section is intended to limit the ability of legally existing uses to continue; however, where such uses exist they will be encouraged to adhere to the *Valleyland* policies outlined in this Section of the Plan.

### **B3.7.3 General Policies for Stable and Unstable Slopes**

#### **B3.7.3.1 Policies for New Development, Site Alteration, and Lot Creation on Lands with Stable and Unstable Slopes**

No new development, site alteration or lot creation shall be permitted in areas located within the *Valleyland* designation except for projects necessary for bank stabilization or erosion control purposes or to facilitate uses permitted in Section B3.7.2, and provided such uses can demonstrate to the satisfaction of the Town and the NPCA that the areas for development and site alteration would not be rendered inaccessible to people and vehicles during times of erosion hazards or it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard. All development shall generally be directed to areas outside of the *Valleyland* designation. Lands within the *Valleyland* designation are encouraged to be maintained in a natural state with no disturbances of grades or existing vegetation.

Where permitted, all new development, site alteration and lot creation shall ensure that overland drainage is directed away from valley slopes and that proper construction measures are taken to protect valley vegetation in accordance with NPCA requirements.

#### **B3.7.3.2 Policies for New Development, Site Alteration, and Lot Creation on Adjacent Lands to Stable and Unstable Slopes**

All new development, site alteration or lot creation on lands adjacent to the *Valleyland* designation shall demonstrate to the satisfaction of the Town and the NPCA that no negative impacts on the valleylands will result from the adjacent development. The determination of the lands subject to assessment and the methodology to undertake the assessment shall be established through pre-consultation meetings with the Town and NPCA.

New development, site alteration or lot creation on lands adjacent to the *Valleyland* designation shall ensure that overland drainage is directed away from valley slopes and that proper construction measures are taken to protect valley vegetation in accordance with NPCA requirements.

Where a Plan of Subdivision has been submitted for lands adjacent to the *Valleyland* designation, the Town may require the proponent to protect the valleylands in perpetuity as part of the approvals process including the dedication of valleylands to the Town or other appropriate public agency.

#### **B3.7.3.3 Policies for Existing Lots on Adjacent Lands to Stable and Unstable Slopes**

Where existing lots are located adjacent to lands located within the *Valleyland* designation, a minimum 7.5 metre setback from the stable top of slope shall be maintained. A reduction of this setback may be permitted in cases of unusual circumstances where an existing lot of record contains insufficient depth to accommodate the required setbacks and where a geotechnical investigation reveals that some

infringement within the setback area, together with appropriate mitigative measures, can be accommodated on-site while maintaining bank stability and will result in no adverse long-term environmental impacts. All reductions in setbacks shall be subject to NPCA requirements.

### **B3.7.4 Specific Policies for Stable Slopes**

Where the stability of a valleyland slope has been previously confirmed to the satisfaction of the Town and NPCA or where a natural valley slope which through field inspection of surficial conditions does not reveal evidence of:

- a) Outward tilting of trees;
- b) Toe Erosion at the base of the Slope;
- c) Slumping, gullyng or other visibly evident erosion process, the addition of fill material;
- d) Containing an easily eroding soil type (i.e., the Short Hills area of Pelham contains soil types which are highly erodible and easily susceptible to gully Erosion); or;
- e) Where the angle of the slope is gentler than 3(H):1(V); and,
- f) The policies of Policy B3.7.4.1 and B3.7.4.2 shall apply.

#### **B3.7.4.1 Policies for New Development, Site Alteration, and Lot Creation Within and Adjacent to Stable Slopes**

No new development, site alteration or lot creation shall be permitted within 7.5 metres from the NPCA approved stable top of slope for lands located within the *Valleyland* designation except to facilitate the permitted uses outlined in Policy B3.7.2.

#### **B3.7.4.2 Policies for Existing Development Within and Adjacent to Stable Slopes**

Where existing structures are located within 15.0 metres of lands located within the stable top-of bank of the *Valleyland* designation and a 7.5 metre publicly owned access is not provided adjacent to this designation the following policies shall apply:

- a) The replacement or addition to existing building(s) or structure(s) may be permitted provided:
  - i) The replacement or addition does not result in further encroachment into the stable top-of bank. Even if existing development is closer than 7.5 metres to the stable top-of bank, no new development shall be permitted within 7.5 metres of the stable top-of bank in order to provide for an erosion access allowance;
  - ii) The submission of a geotechnical assessment by the proponent may be required prior to permitting any development or redevelopment on adjacent lands. In cases where the building or structure can be reasonably located outside the setback the applicant will be encouraged to do so;
  - iii) In cases where existing structures or private roads exist within the stable top-of bank, reconstruction or alteration may be permitted provided that best efforts are taken to relocate the existing structure outside the stable top-of bank, a geotechnical assessment is completed and submitted in accordance with NPCA requirements and that no adverse environmental impacts to existing natural features and functions of the valleylands are shown to result; and,

- iv) The replacement or addition to existing buildings and structures will be encouraged to direct overland drainage away from valley slopes wherever possible. All replacement or addition to existing buildings or structures shall ensure that proper construction measures are taken to protect valley vegetation in accordance with NPCA requirements.

### **B3.7.5 Specific Policies for Unstable Slopes**

In areas where the instability of the valleyland slope has been identified by written documentation, the Town or the NPCA, or where a field investigation reveals evidence of:

- a) Outward tilting of trees;
- b) Tow erosion at the base of the slope;
- c) Slumping, gullyng or other visibly evident Erosion process;
- d) The addition of Fill Material;
- e) Containing an easily eroding soil type; or; and,
- f) Where the angle of the slope is steeper than 3(H):1(V).

The proponent shall undertake a geotechnical investigation. This investigation shall be undertaken by a qualified geotechnical engineer and shall be prepared to the satisfaction of the NPCA and the Town. A minimum setback of 7.5 metres from the NPCA approved stable top of slope (indicated by the commissioned geotechnical investigation) shall be required for all development including swimming pools, subsurface sewage disposal systems, and the placement of fill. In addition the policies of Policy B3.7.5.1 shall also apply.

#### **B3.7.5.1 Policies for New Development, Site Alteration, and Lot Creation for Unstable Slopes**

All newly created lots shall be set back a minimum of 7.5 metres from the NPCA approved stable top of slope within the *Valleyland* designation.

If the required geotechnical investigation determines that setbacks greater than 7.5 metres are required to address the site specific slope characteristics then the greater setback shall apply. At the discretion of the NPCA, applicants may be required to update geotechnical reports should the recommendations of the report not be implemented within one year of the original analysis that has been approved by the appropriate agencies.

#### **B3.7.6 Implementation**

All lands located in the *Valleyland* designation will be placed in a Hazard Land or Hazard Land Overlay Zone which restricts land use in accordance with the policies of this Plan. Applications for new development or expansion to an existing legal use which is permitted by this Plan and the regulations of the NPCA shall not require an Amendment to the Plan but may require a zoning by-law amendment, a site plan agreement and/or an application to the Committee of Adjustment to expand a legal non-conforming use in addition to the requirements of the NPCA.

**PART C**

**ENVIRONMENTAL AND WATER  
RESOURCE MANAGEMENT  
POLICIES**



## **C1            APPLICABILITY**

The policies contained in this Section are intended to be applied generally throughout the Town, and are also intended to complement the Natural Heritage policies articulated in Sections B3.2, B3.3, B3.4 and B3.5. However, where the policies of Section C and the policies elsewhere in this Plan conflict, the more restrictive policies shall prevail.

## **C2            RIVERS AND STREAMS**

### **C2.1        FUNCTION OF RIVERS AND STREAMS**

The natural rivers and streams in the Town are considered to be environmentally significant since they:

- a) Constitute fish habitat;
- b) Function as corridors for migrating wildlife habitat movement and vegetation dispersal;
- c) Serve to maintain the quality and quantity of surface and ground water resources; and,
- d) Assist in the improvement of air quality.

It is the intent of this Plan to protect rivers and streams from incompatible development to minimize the impacts of such development on their function.

#### **C2.1.1     Implementation**

In order to protect fish habitat adjacent to rivers and streams, development and site alteration may be subject to Site Plan Control. This natural vegetated buffer zone is recommended to be the following distance from the stable top of bank for features located outside of the *Specialty Agricultural* designation:

- a) 30 metres for critical fish habitat; and,
- b) 15 metres for important or marginal fish habitat.

This Plan does not identify the location of critical, important or marginal fish habitat. As such, the determination of fish habitat type will be required in conjunction with a Planning Act application and will be established in consultation with the NPCA to determine the type or quality of the habitat. It is noted that lands adjacent to rivers and streams are regulated by the NPCA in accordance with Ontario Regulation 155/06.

Where otherwise permitted by the policies in Part B of this Plan, a reduction in the setback from a river or stream shall not require an Amendment to this Plan but will require the preparation of an EIS in conjunction with either an Amendment to the Implementing Zoning By-law, a site plan agreement, a minor variance or a Development Permit subject to the comments and/or issuance of a work permit by the NPCA as well as comments from the Region.

Matters to be considered in reviewing an application to reduce the setback include:

- a) The nature and stability of the soils;
- b) The nature and stability of the vegetation and cover;
- c) The slope of the land;
- d) The nature of existing and proposed drainage patterns;
- e) The nature of the fish habitat and its potential to be impacts by development or site alteration; and,
- f) Confirmation that the reduction will not cause a net loss in the productive capacity of the habitat.

Council or Committee shall be satisfied that the proposed development can be accommodated without there being a negative impact on the features and functions of the habitat feature. In instances where a work permit has been obtained from the NPCA under the Ontario Regulation 155/06, this should substantially satisfy the above requirements. However, in no case shall the natural vegetated buffer from critical fish habitat be less than 15 metres.

The cultivation and maintenance of agricultural land will not be prohibited with the above-mentioned setbacks and will not be subject to the implementation policies contained in this Section to protect rivers and streams.

## **C3 FONTHILL KAME – DELTA EARTH SCIENCE AREA OF NATURAL SCIENTIFIC INTEREST (ANSI)**

### **C3.1 GEOLOGICAL ORIGIN AND SIGNIFICANCE**

The Fonthill Kame-Delta is a Provincially Significant Earth-Science Area of Natural and Scientific Interest (ANSI). The Kame-Delta is a unique glacial landform composed of sand and gravel left by retreating Wisconsin glaciers. The Fonthill Kame-Delta ANSI is one of the most prominent landforms on the Niagara Peninsula and is characterized as having the highest elevation in Niagara Region at 290 masl. This creates a very unique microclimate that is supportive of the production of tender fruits. The Fonthill Kame-Delta ANSI captures the best representation of five identifiable geomorphic themes that make up the landform and which serve to demonstrate the sequence of post-glacial events. The Fonthill Kame-Delta ANSI is identified on Schedule B to this Plan.

### **C3.2 OBJECTIVE**

The Town places a high priority on the protection and/or maintenance of the Fonthill Kame-Delta ANSI, given the significance and uniqueness of the landform feature. On this basis, the Town will work with public and private sector stakeholders in efforts to secure lands that comprise the Fonthill Kame-Delta ANSI to ensure long-term protection of the feature through public ownership or conservation easements.

### **C3.3 DEVELOPMENT POLICIES**

Together with any other requirements in this Plan, development and site alteration shall not be permitted within or adjacent to the Fonthill Kame-Delta ANSI unless an EIS demonstrates that there will be no negative impacts on the feature or its ecological function. Adjacent lands are defined as those lands within 50 metres of the confirmed boundary of the Fonthill-Kame Delta ANSI. The EIS will be completed in accordance with Section C7 of this Plan and will specifically propose recommendations on how to avoid grading areas containing landform features, and how to maintain the scientific and educational values of the ANSI, such as the protection of important views. Approval of an EIS shall involve the Town and the Region in consultation with the Ministry of Natural Resources.

Lands which comprise the Fonthill Kame-Delta ANSI shall be zoned in a manner that restricts site alteration and development. Applications for development or site alteration shall require a zoning amendment and/or site plan approval which shall be accompanied by the above-mentioned EIS.

Nothing in Policy C3.3 is intended to limit the ability of agricultural uses from continuing. It is recommended however, that agricultural uses pursue best management practices to protect the Fonthill Kame-Delta ANSI and its ecological functions.

## **C4 CORRIDORS AND LINKAGES**

Section A2.1 of this Plan recognized that the individual features and components of the Natural Heritage System in this Official Plan form part of a greater ecosystem which is highly dependent on connectivity. In large part, this need for connectivity will be fulfilled in the rural area if the Vision, Goals and Objectives and supporting policies of this Plan are achieved and/or implemented over the long term.

The Town acknowledges that the Regional Policy Plan has illustrated conceptual corridors and linkages on the Region's Core Natural Heritage Map. While these corridors are conceptual and the Region has indicated that a future study will be undertaken to further define corridors and linkages, the Town will require proponents of new development that is subject to an Environmental Impact Study (EIS) to assess corridor linkages, and if possible maintain or enhance such linkages.

## **C5 WATER RESOURCE MANAGEMENT**

### **C5.1 PROTECTION OF THE RESOURCE**

At the present time, many of the Town's rural residents obtain drinking water from private water supplies. Residents of Fonthill and Fenwick obtain water from Regional water systems located at the Welland Canal. It is a policy of this Plan to protect, improve or restore the quality and quantity of ground and surface sources of drinking water for future use by ensuring that development and site alteration does not cause negative impacts on water resources, including cross-jurisdictional and cross-watershed impacts.

In an effort to protect surface and groundwater resources, objectives of this Plan include:

- a) Managing the use of water resources in a sustainable manner that ensures their continued availability to future generations;

- b) Working with the Region, NPCA and the Province to prepare watershed and subwatershed plans to assist in the proper management of water as a key resource;
- c) Protecting existing surface and ground water quality from degradation and to improve and restore water quality where degraded;
- d) Incorporating source protection objectives into the land use planning process to ensure that the sources of water are not compromised in the future as a result of land use decisions;
- e) Encouraging the establishment of water conservation measures as a way to meet water supply needs in the same manner that alternatives to create new supplies are investigated; and,
- f) Educating the public on the value of protecting the resource and how they can contribute to its protection.

## **C5.2 IMPACT ASSESSMENT**

Major applications for site alteration or development outside of Fonthill and Fenwick may need to be supported by a Hydrogeological or Hydrological Report.

The purpose of the report is to investigate the impacts of the proposed development on water quality and quantity and provide recommendations on:

- a) How to maintain or enhance the quality and quantity of the water resource;
- b) How to minimize or eliminate the effect of the proposed use on the groundwater recharge function;
- c) How to minimize or eliminate the effect of the proposed use on the quality and quantity of drinking water in adjacent private and municipal wells;
- d) How to maintain or enhance sensitive groundwater recharge/discharge areas, aquifers and headwater areas;
- e) Whether it is required to monitor water budgets for groundwater aquifers and surface water features; and;
- f) How to ensure that the quality of the watercourses affected by the development are maintained; and,
- g) How to control or manage the risk of flooding or erosion.

## **C5.3 VULNERABLE GROUNDWATER AREAS**

Vulnerable groundwater areas in the Town which are susceptible to the risk of contamination or adverse impact due to hydrologic and hydrogeologic dynamics have been identified by the NPCA and are shown on Schedule B1 to this Official Plan. Where development and/or site alteration requires a planning approval, the Town, in consultation with the Region and NPCA may require the undertaking of a technical study to assess the risk of negative impacts on the aquifer. The scope of such a study will be determined through pre-consultation with the Town, the Region and NPCA and recommendations from such a study that are related to design or land use will be implemented through zoning or site plan control.

In order to minimize risks posed by land use on this feature, the following uses shall be prohibited on lands identified on Schedule B1 as a vulnerable groundwater area:

- a) Generation and storage of hazardous waste or liquid industrial waste;
- b) New waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- c) Underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and,
- d) Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Ontario Regulation 347 of the Revised Regulations of Ontario, 1990 or its successor.

## **C6 STORMWATER MANAGEMENT**

All commercial, industrial, institutional and residential development (five lots or more) proposals shall be supported by a Stormwater Management (SWM) report. The content and depth of the SWM report shall be determined when the development is proposed.

The SWM Report shall be prepared by a qualified professional to the satisfaction of the Town, the NPCA, the Region of Niagara, and the appropriate agencies and be prepared in accordance with the following documents:

- a) Ministry of Environment *Stormwater Management Practices Planning and Design Manual* (2003);
- b) NPCA *Stormwater Management Policies* (2010), as amended, or its successor; and,
- c) Greater Golden Horseshoe Conservation Authorities *Erosion and Sediment Control Guidelines for Urban Construction* (2006) as amended, or its successor.

### **C6.1 PREPARING STORMWATER MANAGEMENT REPORTS**

In preparing a Stormwater Management Report, the primary intent of the report is to:

- a) Provide recommendations on a stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including the 1:100 year flood;
- b) Document the possible impacts of development on watershed flow regimes including their interconnection with groundwater resources;
- c) Provide recommendations on how to maintain pre-development water quality and improve run-off where appropriate;
- d) Document the means by which stormwater volume control will be provided;
- e) Determine and describe the necessary measures required to be undertaken during construction to mitigate the potential negative impact of development; and,
- f) Encourage the appropriate stormwater infiltration system at the source.

All stormwater management facilities in a Plan of Subdivision shall be placed in an appropriate Open Space or Environmental Protection Zone in the Implementing Zoning By-law to reflect the potential for these lands to be flooded and to ensure that their intended use is recognized.

Stormwater facilities for condominium developments and other large single uses may be privately owned and maintained. Agreements with the Town may be required as a condition of approval, to provide for their continued maintenance.

## **C7 REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STUDY (EIS)**

Where the policies of this Plan require that an Environmental Impact Study (EIS) be prepared, such an EIS shall be prepared in accordance with the requirements of this section.

### **C7.1 PURPOSE OF AN EIS**

The purpose of an EIS is to:

- a) Collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes, connectivity and functions of relevant environmental feature(s); and,
- b) Make an informed decision as to whether or not a proposed use will have a negative impact on natural features and ecological functions.

Any EIS required by this Plan must be prepared in accordance with the Environmental Impact Study Guidelines (EIS Guidelines) adopted by Regional Niagara. The EIS should give consideration to the relevant aspects and inter-relationships of various components of the Natural Heritage System on and off the site. In addition, the EIS must address how the proposed development will protect, maintain or restore the critical natural features and ecological functions of the Natural Heritage System.

Any EIS prepared as a requirement of this Plan must address all applicable matters to the satisfaction of the Town, the Region and the NPCA.

### **C7.2 CONTENTS OF AN EIS**

The EIS shall include a description of:

- a) The proposed undertaking;
- b) Any requirements specified in a Secondary Plan, if applicable;
- c) Any requirements specified through pre-consultation with the NPCA, if applicable;
- d) A description of the natural features and ecological functions of the area potentially affected directly and indirectly by the undertaking, and an assessment of their sensitivity to development;
- e) A description and evaluation of hydrological features and functions;
- f) Any lands that support environmental attributes and/or functions that may qualify the lands for designation within the *Environmental Protection* designations;
- g) The site and its position and role in the broader landscape;
- h) The direct and indirect effects to the ecosystem that might be caused by the undertaking with consideration for cumulative impacts caused by an undertaking;

- i) Any environmental hazards (i.e. slope stability, flooding contaminants) that need to be addressed as part of the design and how they will be addressed;
- j) Any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;
- k) How the proposed use affects the possibility of linking core areas of the Natural Heritage System by natural corridors that may or may not be identified on the Schedules to this Plan;
- l) How the proposed use affects key natural heritage features and key hydrologic features;
- m) Recommendations identifying how the adverse effects will be avoided or minimized over the construction period and the life of the undertaking and how natural heritage features and functions will be enhanced where appropriate/applicable. Within the Greenbelt Natural Heritage System, recommendations shall also establish the limits of buffers and setbacks adjacent key natural heritage features and key natural hydrological features; and,
- n) Insight and recommendations with respect to the significance of the cumulative net environmental impacts expected over the long term after measures recommended in (k) have been implemented.

The required scope and/or content of an EIS may be modified, through pre-consultation with the Town, Region, NPCA, and/or Niagara Escarpment Commission, where the environmental impacts of a development application are thought to be limited, or if other environmental studies fulfilling some or all requirements of an EIS have been accepted by the Town and Region.

### **C7.3 AGENCIES RESPONSIBLE FOR REVIEW AND APPROVAL**

In accordance with the Memorandum of Understanding between the Region and the local municipalities and the NPCA, the review and approval of any EIS prepared to fulfil a requirement of this Official Plan shall be undertaken by the NPCA in collaboration with the Region and the local municipalities.

## **C8 HAZARDOUS SLOPES**

Hazardous slopes are characterized by lands that could be unsafe for development and site alteration due to naturally occurring hazards such as unstable soils or unstable bedrock. The following policies shall apply to development proposed in association with steep slopes and ravines:

- a) Development will not be permitted on slopes that are subject to active erosion or historic slope failure;
- b) Development shall be sufficiently setback from the 'top of bank' of slopes greater than 1 in 3. The development setback distance shall be determined in consultation with the Town and the NPCA and be subject to the following criteria:
  - i) Soil type and groundwater patterns;
  - ii) Vegetation type and cover;
  - iii) Severity of slope; and,
  - iv) Nature of development.

- c) In some instances, where a sufficient development setback cannot be achieved, the proponent shall be required to provide a slope stability analysis as a prerequisite to any development. The analysis shall be prepared to the satisfaction of the Region in consultation with the Town and the NPCA.

## **C9 SOLID WASTE DISPOSAL AREAS**

There are no open waste disposal sites and two closed waste disposal sites in the Town as shown on the Schedules to the Plan. The development of new uses or new or enlarged buildings or structures within an assessment area 500 metres (1,640 square feet) from the fill area of a closed site, may be permitted provided an assessment is completed to determine:

- a) The impact of any potential methane gas migration;
- b) Whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the waste disposal site;
- c) Potential traffic impacts;
- d) Whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the waste disposal site; and,
- e) The impact of the proposed use on leachate migration from the landfill site.

The assessment is intended to address these matters and other items outlined in the Province's Guideline as required to ensure that the proposed land uses are compatible in nature and do not adversely impact upon each other.

The studies required to support a development application within the assessment area shall be based on the type and/or scale of the development proposed or the studies may be waived as appropriate. The nature of the required studies and their scope shall be determined by the Town in consultation with the Region at the time the development is proposed.

All lands within the assessment area shall be subject to a Holding Provision in the Implementing Zoning By-law. The lifting of a Holding Provision permitting the development of any new use or new or enlarged buildings or structures within the assessment area shall not occur until Council is satisfied that all of the studies required by the Town and Region have been completed.

In cases where an Amendment to the Official Plan and/or Zoning By-law is required to permit a proposed use, appropriate studies dealing with the matters set out above shall be submitted for Councils' consideration. An amendment to this Plan will be required for a new waste disposal site.

It is a policy of Council to encourage the reduction, reuse and recycling of solid waste to ensure that the amount of waste required to be stored in landfills is minimized.

## **C10 GAS WELLS**

Schedule B2 to this Plan identifies the location of nineteen (19) gas wells in the Town. The status of these wells has been categorized by Provincial authorities as "suspended", "abandoned", "active" or "unknown".

The Town supports the subsurface storage and retrieval of gas or other hydrocarbons, subject to Provincial regulations, but only if they do not adversely affect current legal land uses, or development and natural heritage policies articulated in this Plan.



The Town will consult with the Province:

- a) When new non-petroleum developments are proposed within 300 metres of an existing well site as identified on Schedule B2 to this Plan; and,
- b) Where assistance is needed in the rehabilitation or closure of well sites, specifically where non-producing wells represent a public health hazard.

Where applicable, the Town and/or Region will require that improperly non-producing wells that are known or discovered on the lands during development to be properly plugged, capped or otherwise made safe in accordance with Provincial requirements as a condition of a Planning Act approval or as a pre-consultation requirement.

The Town supports the use of technology, such as directional drilling for the exploration and production of subsurface resources from a well site that is located on lands adjacent to a natural heritage area as identified on Schedule B to this Plan.

New wells and associated works are prohibited from causing any surface or subsurface ecological disturbance to the natural heritage system identified on Schedules A, B and B1 to this Plan and proponents shall be required to address applicable policies in this Plan where exploration and associated works are proposed within natural features or within the adjacent lands of such features.

## **C11 LAND USE COMPATIBILITY**

It is recognized that some uses may be sensitive to the odour, noise, vibration or other emissions associated with highways, and various type of industries. It is a policy of this Plan that incompatible land uses be separated or otherwise buffered from each other. Where a proposed development is located adjacent to a potentially incompatible land use, an assessment of the compatibility of the proposal may be required by Council undertaken in accordance with current guidelines and criteria established by the Ministry of the Environment.

Such a study shall be prepared to the satisfaction of Council and the appropriate agencies and shall include recommendations on how the impacts can be mitigated. The approval of development proposals shall be based upon the achievement of adequate distances and the recommendations of the required studies.

The Implementing Zoning By-law may utilize a Holding Provision on certain properties where incompatible land uses are located in close proximity to each other to ensure that the intent of this Section is met before development occurs.

## **C12 CONTAMINATED SITES**

If the site of a proposed use is known or suspected to be contaminated due to its previous use, Council shall require the proponent to demonstrate that the site has been assessed and if necessary, remediated in accordance with the requirements of O. Reg. 153/04 as amended. The proponent shall have a Record of Site Condition prepared by a qualified person as defined by O. Reg. 153/04 and placed on the Brownfields Environmental Site Registry prior to the issuance of any final planning approval for the site's development.

Council may place lands which are known to be contaminated in a Holding (H) Zone to restrict development until clearance is provided in the form of an acknowledged Record of Site Condition. For the purposes of this policy, the removal of the Holding (H) symbol is considered to be the final planning approval.

# PART D

## GENERAL DEVELOPMENT POLICIES

## **D1 WATER AND SEWER SERVICING STRATEGY**

### **D1.1 WATER AND SEWER SERVICING IN FONTHILL AND FENWICK**

The provision of water and wastewater services is a shared responsibility with the Region, however, the Town is responsible for local water and wastewater services in the municipality. Full municipal sewage services and water services are required for the servicing of development in the Town's settlements of Fonthill and Fenwick.

### **D1.2 WATER AND SEWER SERVICING IN NORTH PELHAM**

The preferred means of servicing in the North Pelham settlement area shall be by private well and private septic systems.

It is the objective of this Plan to ensure that all new lot creation establishes, and maintains in perpetuity, sustainable private services wherever municipal water and/or wastewater services are not available.

The creation of a new communal water or wastewater treatment system is prohibited.

### **D1.3 WATER AND SEWER SERVICING FOR THE RURAL AREA**

The preferred means of servicing uses in the agricultural area as well as the North Pelham settlement area shall be by private well and septic systems. Full municipal water and sewage services are not permitted outside of the urban service boundaries of Fonthill and Fenwick.

The creation of a new communal water or wastewater treatment system is prohibited.

## **D2 TRANSPORTATION**

### **D2.1 OBJECTIVES**

It is the intent of this Plan to:

- a) Facilitate the movement of both people and goods to and from the various Settlement Areas within the Town and to and from adjacent municipalities;
- b) Ensure that new development does not create traffic hazards or unmanageable levels of congestion;
- c) Ensure appropriate right-of-way widths for all existing and proposed roads;
- d) Restrict development on non-winter maintained roads, private roads, unopened road allowances and individual rights-of-way unless an agreement on services is registered on title;
- e) Develop a diverse transportation system which supports a variety of transportation modes, including road, rail, transit, cycling, pedestrian modes and transportation demand management modes; and,

- f) Promote and where possible integrate forms of accessible transport throughout the Municipality with an emphasis on the urban areas.

## **D2.2 ACCESS TO THE ROADS IN THE TOWN**

The responsibility for approving an entrance onto a public road in the Town depends on which level of government maintains the road. The types of roads described in this Section of the Plan are shown on Schedule C.

### **D2.2.1 Regional Roads**

These roads serve a regional role by carrying traffic through and to the Town. All development abutting Regional Roads shall be subject to the jurisdiction of the Region of Niagara.

### **D2.2.2 Arterial Roads**

These are intermediate roads which carry significant volumes of traffic from local roads to Regional Roads. Direct access to arterial roads will generally not be permitted unless traffic impacts have been assessed and, if necessary, mitigated. All arterial roads as identified in this Plan may be subject to the conveyance of land for a road widening or road improvement at the time of or as a condition to the approval of any Planning Act application.

### **D2.2.3 Collector Roads**

Collector roads are local roads that provide efficient access between Regional and arterial roads from local roads. All collector roads as identified in this Plan may be subject to the conveyance of land for a road widening or road improvement at the time of or as a condition to the approval of any Planning Act application.

### **D2.2.4 Local Roads**

Local roads carry traffic from the Regional Road system and from the arterial roads to individual properties. Access to these roads is under the jurisdiction of the Town and the minimum width of the road allowance shall be 20 metres. All local roads as identified in this Plan may be subject to the conveyance of land for a road widening or road improvement at the time of or as a condition to the approval of any Planning Act application.

### **D2.2.5 Seasonal Roads**

Seasonal roads are those roads that are not assumed by the Town for winter maintenance purposes. Where the Town proposes to assume a seasonal road to provide winter maintenance, an Official Plan Amendment shall be required to change the classification of the seasonal road.

### **D2.2.6 Truck Traffic Management**

Truck traffic in the Town shall be managed by:

- a) Directing it away from, or around, residential or sensitive areas where the road capacities are inadequate or where there is a potential for noise and/or safety

hazards, and, in particular, designate, establish and monitor truck routes in coordination with the Region;

- b) Encouraging the relocation of existing land uses (which generate volumes of truck traffic which contribute to current noise and safety hazards) to more suitable locations in the Town; and,
- c) Discouraging the movement of heavy truck traffic on all collector and local streets in residential areas.

## **D2.3 RIGHT-OF-WAY WIDTH**

Determining the appropriate right-of-way width for Regional Roads is the responsibility of the Region. The minimum right-of-way width for all new Municipal roads shall generally be 20 metres (65.62 feet). Every effort will be made to secure this right-of-way width as a condition of *Planning Act* approvals.

## **D2.4 TRANSPORTATION IMPACT STUDIES**

Transportation Impact studies may be required by the Region and/or the Town to evaluate a development application. The intent of such a study is to measure the impact of the development on the road network and ensure that all proposed development is capable of being properly designed.

## **D2.5 OTHER TYPES OF ROADS**

The other types of roads in the Town include:

- a) Private roads which cross private property to access a lot;
- b) Unopened municipal road allowances;
- c) Unassumed roads; and,
- d) Roads that are owned and maintained by a public authority for only a part of the year.

All lots that front on these roads shall be subject to Site Plan Control and may be subject to a Holding Provision in the Implementing Zoning By-law that prohibits the development of a dwelling and any enlargement, renovation or addition to a dwelling unit that existed on the date the Implementing Zoning By-law is passed by Council until the occupant satisfies the requirements of Policy E1.3.1.

The construction or development of new private roads or extensions to existing private roads shall not be permitted unless the private road is in a Plan of Condominium. New rights-of-way, in the form of private driveways, may be granted by the Committee of Adjustment for access only to parcels that are presently land locked and which are the site of an otherwise legal residential use on the date the implementing by-law is passed. All proposed rights-of-way for existing land locked parcels must be developed from an existing public road that is maintained year round and is of a standard acceptable to the Town.

## **D2.6 ACTIVE TRANSPORTATION**

Given that the focus for future population growth will be primarily in the settlement areas, the Town will encourage diversity in transportation modes. While it is not anticipated that the importance of and the public dependency on the automobile will change in a substantial way over the life span of this Official Plan, there will be opportunities brought about by an aging population and residential intensification to support active transportation modes as well as transit supportive neighbourhoods. The Town is ideally suited to show leadership on this emerging need in urban planning and will, in partnership with the Region, prepare an Active Transportation Plan to establish a strategy that fosters, encourages and promotes active forms of transportation.

The Town will develop policies and zoning standards to support active transportation in all industrial, commercial, and residential developments by requiring pedestrian and cycling linkages and appropriate facilities for bicycle storage and parking.

## **D2.7 PUBLIC TRANSIT**

It is the intent of this Plan is to explore opportunities for the provision of public transit including the potential for coordinated transit planning with adjacent municipalities. This can be achieved by:

- a) All Town Arterial and Collector Roads designed to accommodate a future transit network; and,
- b) Any work that results in improvements to the transit network is subject to the requirements of the Municipal Engineers Association Class Environmental Assessment.

## **D3 ENERGY CONSERVATION**

The Town shall promote innovative subdivision and site plan design that minimizes energy consumption through road design and lot layouts which maximize passive solar energy opportunities and other alternative energy sources.

The Town shall encourage and support energy conservation, district heating and combined heat and power, and alternative and renewable energy sources developed in accordance with Provincial and Federal legislation, policies and regulations.

## **D4 HERITAGE AND ARCHAEOLOGICAL RESOURCES**

### **D4.1 OBJECTIVES**

It is the intent of this Plan to:

- a) Recognize that the maintenance of the Town's heritage resources will contribute to the preservation of the Town's character; and,

- b) Consult and seek the advice of the Pelham Heritage Committee or other established heritage organizations when making decisions regarding the conservation of cultural heritage resources in the Town.

## **D4.2 GENERAL POLICIES**

### **D4.2.1 Cultural Heritage Impact Statements**

Council may require the submission of a Heritage Impact Assessment (HIA) to support an application for development if the affected lands are the site of an identified cultural heritage resource or are located in close proximity to an identified cultural heritage resource. The intent of the HIA is to determine what impacts the development will have on the resource and whether the application for development will conform to the goals, objectives and policies of this Plan.

The HIA shall be in the form of a report undertaken by a qualified professional with expertise in heritage studies, and contain a description of:

- a) The proposed development;
- b) The cultural heritage resource(s) to be affected by the development;
- c) The effects upon the cultural heritage resource(s) by the proposed development;
- d) The measures necessary to mitigate the adverse effects of the development upon the cultural heritage resource(s); and,
- e) How the proposed development will relate, in terms of height, bulk, massing and presence with identified heritage buildings on the property and in the area.

Prior to considering a development that requires the preparation of a HIA, Council shall be satisfied that the development will conform to the goals and objectives of this Section and will be compatible, in terms of height, massing, bulk and scale with adjacent development.

#### **D4.2.1.1 Public Works**

Public authorities have the ability to make decisions affecting the public realm that can have a positive impact on cultural heritage resources. On this basis, the carrying out of any public work by any Public Authority shall have regard to the retention and protection of identified cultural heritage resources in accordance with the goals and objectives of this Plan.

#### **D4.2.1.2 Mitigation of Impacts on Cultural Heritage Resources**

Council may impose as a condition of any development approval the retention and conservation of cultural heritage resources identified in a Heritage Impact Assessment (HIA), or the implementation of appropriate mitigation measures, to minimize the impact of the development on the cultural heritage resource.

#### **D4.2.1.3 Restoration and/or Rehabilitation of Identified Cultural Heritage Resources**

It is the intent of this Plan to encourage the restoration or rehabilitation of identified cultural heritage resources. Council may also encourage the restoration and retention of



heritage properties through the use of bonusing and density transfers and other means as permitted by the *Planning Act*. Council may also restore, rehabilitate, enhance and maintain municipally owned cultural heritage resources, through appropriate heritage stewardship practices.

## **D4.2.2 Built Heritage and Cultural Landscape Resources**

### **D4.2.2.1 Built Heritage Register**

Under Section 27 of the *Ontario Heritage Act*, the Town must maintain a register of all designated properties, but Council may also include on the register, properties that have not been designated but that Council believes to be of cultural heritage value or interest.

### **D4.2.2.2 Cultural Heritage Landscape Register**

In accordance with the *Ontario Heritage Act*, the Town must also prepare an inventory of cultural heritage landscapes. Landscapes such as existing rural and agricultural areas, historic hamlets, and heritage roads will be identified in the inventory. A cultural heritage landscape is a defined geographical area of heritage significance that has been modified by human activities. Such an area is valued by a community and is of significance to the understanding of the history of a people or place.

### **D4.2.2.3 Designation under the Ontario Heritage Act**

Council may by law designate cultural heritage resources, such as individual properties and conservation districts based on the criteria set out in Ontario Regulation 9/06, established under the *Ontario Heritage Act* and the policies of this section. Prior to the passage of such a by-law, Council shall be satisfied that:

- a) The building or property is strongly associated with the life of a person who played an integral role in the development of the Town and/or is well-known locally, nationally or internationally;
- b) The building or property is the location of, or is associated in a significant way, with a significant local, national or international event;
- c) The building has an architectural style that is distinctive and representative of a period of history and/or is the work of a recognized architect;
- d) The building or property is considered to be an easily recognizable landmark in the Town and contributes to the character of the community; or,
- e) The neighbourhood contains a collection of buildings and properties described in Sections a), b), c) and d) above and which collectively contribute to the character of the Town.

### **D4.2.2.4 Area-Specific Official Plan Policy and Zoning By-law Provisions**

Council may, by Amendment to this Plan or incorporation into a Secondary Plan, include policies that are intended to provide guidance on how buildings and properties can be developed/redeveloped in an area where a concentration of significant cultural heritage resources in an area exists.

The intent of the policies would be to conserve and enhance the cultural heritage of an area, in accordance with the goals and objectives of this Plan. These policies shall:

- a) Describe the historical development context of the area;
- b) Review the existence and significance of cultural heritage resources in the area;
- c) Identify the conservation priorities for identified and defined cultural heritage resources;
- d) Establish how cultural heritage resources should be considered through a redevelopment process; and,
- e) Identify and describe the architectural design and streetscape guidelines that will guide development in a defined area.

The policies may be implemented in the Implementing Zoning By-law through the creation of a heritage overlay zone or an area-specific heritage area zone, as appropriate.

#### **D4.2.2.5 Retention/Relocation of Heritage Buildings**

Council encourages the retention of buildings of cultural heritage value or interest in their original locations whenever possible. All options for on-site retention shall be considered before approval is given for relocation to another site.

These options include: integration within new development areas, adaptive re-use of the building in its original location (e.g. use as a community centre within a residential subdivision), and relocation of the building on the development site.

#### **D4.2.2.6 Heritage Routes**

Council supports the development of Heritage Routes that weave through the Town's Rural Area, providing linkages for hiking, cycling, and car touring and highlighting cultural heritage resources. Selected Heritage Routes are to be identified in consultation with the Pelham Municipal Heritage Committee.

In support of developing the Heritage Routes, Council shall endeavour to:

- a) Prepare streetscape guidelines or standards to protect cultural heritage features and resources along heritage routes. The design guidelines will provide protection for existing trees and landscape features, and will ensure that the general heritage appeal and viewscales are protected and enhanced;
- b) Coordinate clear and consistent signage along the Heritage Routes that may serve wayfinding and/or educational purposes;
- c) Cooperate with the Region, adjacent municipalities, and the Wine Council of Ontario to ensure Heritage Route signage is coordinated with any other local signage (e.g. for Wine Routes);
- d) Support the development of appropriate scenic lookouts and other complementary uses along Heritage Routes, provided that such uses:
  - i) Are small in scale;
  - ii) Are in keeping with, and complementary to the passive recreational character of the Route;

- iii) Have no negative impacts on the surrounding public and/or private land uses;
  - iv) Have no negative impacts on the natural environment or on cultural heritage resources; and
  - v) Will not require the extension of the municipal water supply or sanitary sewage services.
- e) Enhance cycling and driving conditions along the Heritage Route corridors where appropriate, including through the provision of bicycle lanes in accordance with the Niagara Region Bicycling Network. Wherever possible, linkages to other recreational driving routes and cycling/hiking trails in the Region should be achieved.

To support the tourism role of Heritage Routes, the Town will promote the Heritage Routes and request that the Niagara Economic and Tourism Corporation include the Pelham Heritage Routes in its promotional materials and activities.

#### **D4.2.2.7 Adjacent Lands**

Development and site alteration may be permitted on lands adjacent to a protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Where development or site alteration related to a Planning Act approval is proposed on lands proximate to a protected heritage property, Council shall require a Heritage Impact Assessment (HIA) to fulfil the following:

- a) To assess the nature of site alteration or development and confirm that development will not adversely impact the heritage attributes of the protected property; and,
- b) To confirm or provide recommendation to ensure that the vista and viewshed to or from the protected properties will be protected.

Mitigative measures and/or alternative development approaches shall be required in order to conserve heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

### **D4.3 ARCHAEOLOGICAL RESOURCES**

#### **D4.3.1 Archaeological Assessment Requirements**

Council recognizes that there are archaeological remnants of pre-contact and early historic habitation as well as archaeological potential areas within the Town. Archaeological sites and resources contained within these areas can be adversely affected by any future development.

Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Council shall therefore require archaeological assessments and the preservation or excavation of significant archaeological resources in accordance with Provincial guidelines, requirements and protocols.

Archaeological assessment reports by licensed archaeologists are to be in compliance with guidelines set out by the Ministry of Tourism, Culture and Sport, as well as licensing requirements referenced under the *Ontario Heritage Act*.

Council may conserve the integrity of archaeological resources by adopting Zoning By-laws under Section 34 of the *Planning Act*, to prohibit land uses on sites where an identified significant archaeological heritage resource exists.

## **D5 SUBDIVISION OF LAND**

This Section is intended to contain policies that are to be considered with every application to subdivide land in the Town. Regard shall also be had to the specific policies dealing with lot creation in each land use designation.

### **D5.1 PREFERRED MEANS OF LAND DIVISION**

Land division by Plan of Subdivision, rather than by consent, shall generally be deemed necessary if:

- a) The extension of an existing public road or the development of a new public road is required to access the proposed lots, or;
- b) The area that is proposed to be developed is not considered to be infilling, or;
- c) A Plan of Subdivision is required to ensure that the entire land holding or area is developed in an orderly and efficient manner, or;
- d) Three or more new lots are being created.

### **D5.2 NEW LOTS BY CONSENT**

#### **D5.2.1 General Criteria**

Prior to considering an application to create a new lot for any purpose, the Committee of Adjustment shall be satisfied that the proposed lot:

- a) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- e) Will not have a negative impact on the drainage patterns in the area;
- f) Will not affect the develop ability of the remainder of the lands, if they are designated for development by this Plan;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,

- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.

## **D5.2.2 Boundary Adjustments**

A consent may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for a boundary adjustment, the Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

## **D5.2.3 Farm Consolidations**

Farm consolidations may be considered where the effect of the boundary adjustment or consolidation is to improve the viability of a farm operation provided:

- a) No new lot is created; and,
- b) The viability of using the lands affected by the application for agricultural uses is not adversely impacted if the application is approved.

## **D5.2.4 Lots for Utilities**

The creation of new lots for public utilities of a linear nature such as communication utilities and pipelines may be permitted, provided:

- a) The area of the proposed lot is minimized and reflects what is required for the use; and,
- b) The Implementing Zoning By-law, as a condition of Provisional Consent, only permits uses that are related to the utility on the lot.

## **D5.3 SUBDIVISION DEVELOPMENT POLICIES**

This Section is intended to contain general Plan of Subdivision policies that are to be considered with every application for Plan of Subdivision. Regard should also be had to the specific policies dealing with lot creation in each land use designation.

Prior to the consideration of an application for Plan of Subdivision, Council shall be satisfied that:

- a) The approval of the development is not premature and is in the public interest;
- b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required;
- c) The density of the development is appropriate for the neighbourhood as articulated in the policies of these Plan that relate to density and intensification;
- d) The subdivision, when developed, will be easily integrated/connected with other development in the area through the use of roadways, natural corridor linkages and trails to accommodate active transportation;
- e) The subdivision conforms with the environmental protection and management policies of this Plan; and,
- f) The proposal conforms to Section 51 (24) of the *Planning Act*, as amended.

Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the Town will be required.

Applicants are encouraged to pre-consult with the approval authority prior to submitting an application.

### **D5.3.1 Extension of Draft Plan Approval**

In considering a request for an extension to draft plan of subdivision approval, the Town will communicate with the Region and NPCA to ensure that such conditions of draft approval are reflective of current policies, guidelines and technical standards.

## **D5.4 PUBLIC PARKLAND**

### **D5.4.1 Objectives**

It is the objective of this Plan to:

- a) Establish and maintain a system of public open space and parkland areas that meets the needs of present and future residents;
- b) Enhance existing parkland areas wherever possible to respond to changing public needs and preferences;
- c) Ensure that appropriate amounts and types of parkland are acquired by the Town through the development process;
- d) Encourage the dedication and donation of environmentally sensitive lands into public ownership to ensure their continued protection; and,
- e) Manage the public open space and parkland areas in a manner that is consistent with the environmental objectives of this Official Plan.

### **D5.4.2 General Policies Applying to all Public Parkland**

#### **D5.4.2.1 Integration of Other Public Uses with the Public Parkland System**

Where a public parkland area is to be integrated with an educational or major recreational facility, it is the intent of this Plan that the two uses complement each other by limiting physical barriers between the uses.

#### **D5.4.2.2 Dedication of Land through the Development Process**

Council will require the dedication of 5% of the land within a residential Plan of Subdivision to be dedicated to the Town as parkland and 2% of the land within a non-residential development shall be dedicated as parkland. In lieu of the above requirements, Council may require cash-in-lieu of parkland instead, as deemed appropriate.

All lands dedicated to the Town shall be conveyed in a physical condition satisfactory to the Town.

Lands within any Environmental Protection designation and/or which have been identified as hazard lands shall not be considered as part of the required minimum dedication of parkland pursuant to this Section of the Plan.

#### **D5.4.2.3 Dedication of Land in High Density Development Proposals**

As an alternative to the requirement set out in Policy D5.4.2.2, in high density residential development proposals, Council may require land to be conveyed for park or other public recreational purposes at a rate of up to one hectare for each 300 dwelling units proposed. In lieu of the above requirement, Council may require cash-in-lieu of parkland instead, as deemed appropriate.

#### **D5.4.2.4 Parkland Dedication By-law**

Council shall enact a Parkland Dedication By-law that establishes:

- a) The lands to which the by-law is applicable;
- b) The rate of parkland dedication in accordance with Policy D5.4.2.3 and the applicable Section of the *Planning Act* used to require parkland dedication;
- c) The development applications which are subject to parkland dedication requirements; and,
- d) Land uses which are exempt from parkland dedication requirements.

### **D5.4.3 Parkland Development Policies**

#### **D5.4.3.1 Parkland Siting and Design**

It is the intent of this Plan that all public parkland:

- a) Have as much street frontage as possible and be open to view on as many sides as possible for safety purposes;
- b) Be appropriately lit for safety purposes;
- c) Have direct and safe pedestrian access from adjacent residential areas be designed to minimize any potential negative impacts on adjacent residential areas through the use of such measures as planting, fencing and the provision of appropriate access and parking;
- d) Be accessible with limited or no barriers to active forms of transportation;
- e) Incorporate natural heritage features wherever possible into the design of the parkland;
- f) Be integrated into the fabric of the adjacent neighbourhood; and,
- g) Be connected, wherever possible, to trail systems, cycling routes and natural heritage corridors.

## **D5.5 FINANCIAL**

### **D5.5.1 Public Facilities and Infrastructure**

Where new development creates the need for new or expanded public facilities and infrastructure, Council will ensure the cost of providing such facilities is borne by the development proponent to the greatest extent possible under applicable provincial legislation.

## **D5.6 WASTE AND RECYCLING COLLECTION SERVICES**

Should Regional Public Waste and Recycling Collection Services be desired, then the proposal must meet the Region's Niagara Waste Collection Policy for the collection of waste and recyclables by way of entry on private roads.

## **D6 NATURAL GAS PIPELINES**

### **D6.1 LOCATION**

TransCanada Pipelines Limited operates two high pressure natural gas pipelines within its right-of-way which is located in the north extent of the Town and is identified on Schedule C to this Plan.

### **D6.2 AUTHORITY**

TransCanada is regulated by the National Energy Board which, in addition to TransCanada, has a number of requirements regulating development in proximity to the pipelines. This includes approval requirements for activities on or within 30 metres of the right-of-way such as excavation, blasting and any movement of heavy equipment. New development can result in increasing the population density in the area that may result in TransCanada being required to replace its pipeline to comply with the CSA Code Z662. Therefore, the Town shall require pre-consultation with TransCanada or its designated representative for any development proposals within 200 metres of its facilities.

### **D6.3 NEW BUILDINGS AND STRUCTURES**

The Implementing Zoning By-law shall establish requirements prohibiting new permanent buildings or structures from being located within 7 metres of the pipeline right-of-way. The Zoning By-law shall also require accessory structures to maintain a minimum setback of at least 3 metres from the limit of the right-of-way and that no building or structure shall be permitted within 3 metres of the right-of-way. These setbacks may be varied subject to the review and approval of TransCanada or their authorized agent and such variance shall not require an Official Plan Amendment.

## **D7 UTILITY INFRASTRUCTURE**

### **D7.1 INTENT**

Utility infrastructure such as water and sanitary sewer pipes, communications and hydroelectric cabling and wiring shall be permitted in all land use designations unless



other policies in this Plan prohibit or require impact assessment prior to the installation of utility infrastructure. It is the intent of this Plan that the installation and provision of such infrastructure will be integrated concurrent with new development or redevelopment.

## **D7.2 FUNCTIONAL SERVICING REPORTS**

Where the policies of this Plan or where pre-consultation discussions resolve the need for a proponent of new development to prepare a Functional Servicing Report, the professional preparing such report shall:

- a) Identify preferred locations for large utility equipment, including the identification of cluster sites;
- b) Outline an installation plan to ensure utilities will be installed in a coordinate and cost efficient matter manner with minimal disruption;
- c) Suggest innovative design measures in an effort to minimize visual impacts and preserve or contribute to the establishment of a neighbourhood or community character particularly in cases where the policies of this Plan have established urban design guidelines and objectives; and,
- d) Collaborate with utility providers in the preparation of the report in an effort to address items (a), (b) and (c) and to ensure all installations are adequate to serve anticipated growth and the related demands of such growth.

## **D7.3 LOCATION OF UNDERGROUND UTILITIES**

Underground utilities may be located in public or private rights-of-way provided appropriate legal agreements and other measures are in place to ensure that such utilities will have unfettered access for maintenance purposes.

# PART E

## PLAN IMPLEMENTATION AND ADMINISTRATION

## **E1 PLAN IMPLEMENTATION AND ADMINISTRATION**

### **E1.1 ZONING BY-LAWS**

After this Official Plan is approved by the Region of Niagara, a review of the Town's Comprehensive Zoning By-law shall be undertaken to ensure that it properly implements the policies of this Plan.

### **E1.2 TEMPORARY USE BY-LAWS**

The Town may pass temporary use by-laws that apply to private or public land. These temporary uses may be authorized for a time period of generally three years with the exception of garden suites which may be authorized for twenty years. Extensions to a temporary use by-law may be considered by Council, however once a temporary use by-law has lapsed, the use will be viewed as contravening the Implementing Zoning By-law.

In the rural area, temporary uses shall be compatible with existing and future agricultural uses and will not compromise the properties intended agricultural use and no non-farm buildings or structures are proposed.

Prior to the approval of a temporary use Zoning By-law, Council shall be satisfied that the following principles and criteria are met:

- a) The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;
- b) The proposed use shall be compatible with adjacent land uses and the character of the surrounding neighbourhood;
- c) The proposed use shall not require the extension or expansion of existing municipal services;
- d) The proposed use shall not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the area's roads;
- e) Parking facilities required by the proposed use shall be provided entirely on-site;
- f) The proposed use shall generally be beneficial to the neighbourhood or the community as a whole; and,
- g) The owner has entered into an agreement with the Town and/or posted securities, if necessary, to ensure that structures associated with a temporary use provision can be removed upon expiry of the by-law.

### **E1.3 HOLDING PROVISIONS**

In accordance with the *Planning Act*, Council may use a Holding (H) symbol in conjunction with the zoning of land to prohibit development until specific conditions of the Town have been met. These conditions may be set out in the policies applying to the land use

designations in this Plan or may be specified within the language of a Zoning By-law Amendment. The objective of utilizing a Holding Provision is to ensure that:

- a) The appropriate phasing of development or redevelopment occurs;
- b) Development does not proceed until services and utilities are available to service the development; and/or,
- c) Agreements respecting the proposed land use or development are entered into.

### **E1.3.1 Conditions under which Holding Provisions will be removed**

The requirements for the lifting or removal of Holding Provision will be specified in the By-law adopted by Council to establish the Holding provision. However, the following are considered to be appropriate requirements for the establishment of a Holding provision:

- a) The completion and execution of Site Plan, Development or other types of agreements;
- b) The payment of fees and charges owing to a public authority;
- c) Obtaining a license or permit required under a legislative authority other than the *Planning Act*; and/or,
- d) The fulfilment of requirements or recommendations of a technical report such as an Environmental Site Assessment Report.

## **E1.4 SITE PLAN CONTROL**

All areas of the Town are designated as proposed Site Plan Control areas under the provisions of the *Planning Act*. Specific uses subject to site plan control shall be identified in the Town's Site Plan Control By-law passed under the provisions of the *Planning Act*. Site Plan Control will not be utilized where the Town is satisfied that Provincial or Federal legislation or regulation sufficiently addresses local matters set out in this Section.

The intent of a Site Plan Agreement is to ensure that any proposed development is designed to be compatible with adjacent development, appropriately serviced and accessed and otherwise in conformity with the goals and strategic objectives of this Plan. Any required site plan agreement shall deal with the following, as appropriate:

- a) Road widenings;
- b) Location of vehicular access points;
- c) Loading, parking and driveway locations;
- d) The surface of loading, parking and driveway areas;
- e) The location and design of walkways and walkway ramps;
- f) The location, massing and conceptual design of any buildings and structures;
- g) The location and type of lighting and landscaping;
- h) The location and type of garbage storage and recyclables storage;
- i) The location and nature of easements;
- j) The grade and elevation of the land;

- k) The type and location storm, surface and wastewater disposal facilities;
- l) The location and type of snow removal facilities;
- m) Exterior design including character, scale, appearance, and design features of buildings and their sustainable design;
- n) Sustainable design elements on any adjoining highway including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and,
- o) Facilities designed to have regard for accessibility for persons with disabilities.

In accordance with the provision of the *Planning Act*, items m, o and p shall apply only to residential buildings greater than 25 units. These provisions may also apply to residential buildings with less than 25 unit buildings, but only where specific policies in this Plan apply.

Site Plan Control may also be utilized to formalize and/or implement the recommendation(s) of an Environmental Impact Study (EIS) prepared in support of site alteration or development within or adjacent to Natural Heritage Features identified in this Plan.

## **E1.5 MINOR VARIANCES**

In accordance with the *Planning Act*, Council will appoint a Committee of Adjustment for the purpose of hearing applications for relief from a provision or provisions of the Town's Zoning By-law.

In determining whether to approve an application for a minor variance, Committee will need to be satisfied that the application meets the four tests:

- 1) That the requested variance conforms with the general intent of the Official Plan;
- 2) That the requested variance is in keeping with the spirit and intent of the Town's Zoning By-law;
- 3) That the requested variance is appropriate for the desirable development of the lot; and,
- 4) That the requested variance is minor.

In making a determination of whether a variance is minor as required in Item Four, Committee will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. In addition, applicants who request a minor variance should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

## **E1.6 MAINTENANCE AND OCCUPANCY BY-LAWS (PROPERTY STANDARDS)**

### **E1.6.1 Intent**

Council may update or enact a Property Standards By-law in accordance with the *Municipal Act*, regarding minimum standards for the following:

- a) The physical condition of buildings and structures;
- b) The physical condition of lands;
- c) The adequacy of sanitation; and,
- d) The safety of buildings and structures for occupancy.

Such a by-law may require that substandard properties be repaired and maintained to comply with the standards, prohibit the use of substandard property, and require the demolition and clearing of such property which the owner does not intend to repair and maintain. Upon passing a Property Standards By-law, Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the by-law.

### **E1.6.2 Property Standards Committee**

Council shall also appoint a Property Standards Committee, in accordance with the *Ontario Municipal Act*, for the purpose of hearing appeals against an order issued by the Property Standards Officer.

## **E1.7 COMMUNITY IMPROVEMENT**

The following policies are intended to provide a basis and mechanism for Council or Council to utilize the provisions of Section 28 of the *Planning Act* to encourage the development, redevelopment revitalization and renewal of specific areas in the Municipality.

Council may undertake Community Improvement Plans (CIP) in order to implement the policies of this Plan as municipal finances and other sources of funding permit. Wherever possible Council will seek funding from senior government sources and other partnerships to assist in community improvement programs after clarifying what components of improvement plans will be eligible for Community Improvement grants and loans as prescribed by Section 28(7) and Section 32 of the *Planning Act*. Through a Community Improvement Plan the municipality may also register agreements relating to grants and loans issued to fulfil CIP objectives.

### **E1.7.1 Definition and Identification**

- a) Community Improvement is generally defined as encompassing all those activities, both public and private, which maintain, rehabilitate and redevelop the existing physical environment to accommodate the social and economic priorities of the Town of Pelham, within the context of the requirements of the *Planning Act*;

- b) Community Improvement Policy Areas are designated in compliance with the provisions of the *Planning Act* and are intended to identify areas in which Community Improvement Plans may be undertaken;
- c) The following areas are designated as Community Improvement Project Areas:
  - *The Fonthill Settlement Area including the Downtown;*
  - *The Fenwick Settlement Area; and,*
  - *The Canboro Road Corridor linking Fenwick and Fonthill.*

Specific Community Improvement Areas may be defined by by-law and Community Improvement Plans may be prepared for all or a portion of the defined areas.

### **E1.7.2 Community Improvement Goals**

- a) To develop a more attractive, safe and efficient community for existing and future residents;
- b) To provide for the continued social and economic development of the Town of Pelham;
- c) To provide an environment that is attractive to new investment in the Town of Pelham;
- d) To encourage the on-going maintenance, rehabilitation, redevelopment, upgrading and improvement of external public and private space; and,
- e) To protect and promote cultural heritage resources, including buildings and landscapes that are designated under the *Ontario Heritage Act* and located throughout the Town.

### **E1.7.3 Community Improvement Plans**

The Town shall endeavour to prepare Community Improvement Plans for the Rural Area and for selected hamlets that are identified as having significant cultural heritage resources. The Plans will identify and outline specific required improvements and implementation methods.

Opportunities and challenges for improving the public and private realm may refer to:

- a) Community services and physical infrastructure (e.g. streets, sidewalks, parks, recreational facilities);
- b) Incompatible land uses;
- c) Environmental contamination in need of remediation;
- d) The supply of affordable housing;
- e) Energy efficiency of buildings;
- f) Heritage buildings and structures in need of rehabilitation;
- g) Underutilized and vacant properties or buildings that have potential for redevelopment; and/or,

- h) Private servicing deficiencies.

The Community Improvement Plan may also make recommendations for the Town to:

- a) Acquire, hold or prepare land for redevelopment;
- b) Repair/rehabilitate buildings and lands; and,
- c) Dispose of land and buildings for the purpose community improvement.

Tools for implementing the Community Improvement Plan may include financial incentives such as those outlined in Policy E1.7.5.1. Refer to Appendix E for the Community Improvement Plan Area.

#### **E1.7.4 Criteria for Delineating Community Improvement Project Areas**

Areas identified as Community Improvement Project Areas shall be determined according to the following criteria:

- a) Areas that show deficiencies in public services including:
  - i) Deficiencies in sewer and water services;
  - ii) Deficiencies in storm drainage;
  - iii) Deficiencies in roads, sidewalks, street-lighting, and fire hydrants;
  - iv) Desired streetscape improvements – boulevard conditions;
  - v) Streetscape definition; and,
  - vi) Impediments to pedestrian movement.
- b) Areas that are deficient in social or recreational services including:
  - i) Lack of recreational facilities, including parks, open space and public facilities, playgrounds;
  - ii) Underutilized public recreational facilities;
  - iii) Architectural or historical significance of sites/areas;
  - iv) Lack of a range of housing types; and,
  - v) Opportunities for identifying a character of the community.
- c) Contaminated lands or brownfields which remain undeveloped but which could provide significant opportunity for infill and intensification;
- d) Areas that may be characterized as inefficient or underutilized from an urban development perspective and may be suited to intensification or redevelopment in accordance with the policies of this Plan;
- e) Land, building and structures which possess barriers to accessibility and active forms of transportation;
- f) Areas having inappropriate uses in a particular area, and that exhibit any of the following features:
  - i) Presence of conflicting/encroaching land use;
  - ii) General aesthetics of the use/area;



- iii) Availability and suitability of parking facilities (may also be viewed as a public service);
- iv) Under utilization of land, blocks; and,
- v) Building condition; need for upgrading to meet current standards – availability of land and areas for reasonable expansion of uses in the area.

## **E1.7.5 Potential Incentives and Implementation Methods**

### **E1.7.5.1 Participation in Government or Agency Funding Programs**

There are many programs which have been established all levels of Government which can assist in achieving the Town's Community Improvement objectives. These include grant or loan programs, geared both to the private and public sectors. Where recommended through a CIP process, Council supports the use of local grant or loan programs to support CIP objectives, provided such funding is available.

- a) Redevelopment Tax Rebate Program – a program to provide grants that would offset increases in municipal taxes that are as a result of an increase in property assessment due to redevelopment;
- b) Planning and Development Fees Rebate Program – a program that provides rebates of various municipal application fees;
- c) Development Charge Exemption/Reduction Program – a program that waives or reduces development charges for appropriate forms of redevelopment;
- d) Study Grant Program – a program that provides grants to offset the costs of the required archaeological studies/surveys;
- e) Municipal Property Acquisition/Rehabilitation Program – a program for the municipality to acquire and/or rehabilitate properties identified as having archaeological or historic merit, both directly or in partnership with other government agencies or the private sector;
- f) Facade Improvement Grant Program – a program to promote the sensitive redesign of existing building facades to enhance the existing image of the area;
- g) Landscape Improvement Grant Program – a program to promote the establishment of enhanced landscaping to improve the existing image of the area; and,
- h) Heritage Property Tax Relief Program – a program used to encourage good stewardship, maintenance and conservation of locally designated heritage properties by providing tax relief of between 10 to 40%.

While some programs are tailored to specific types of improvements, others are of general application or apply to a specific type of use. While these programs generally reflect the Provincial or Federal Governments' perception of priorities, they can still be used to advantage by the Town when its priorities match those of the program.

### **E1.7.5.2 Use of Full Range of Legislative Authority**

The Municipality may be able to take advantage of powers given to it through a multitude of Provincial statutes. The full use of the *Planning Act*, *Municipal Act*, *Heritage Act*,

*Ontario Water Resources Act*, and many others can all be used to further the Town's objectives.

### **E1.7.5.3 Acquisition**

In designated Community Improvement Areas, the Town may acquire, assemble, clear and dispose of lands for purposes which conform to the intent of the Community Improvement Plan. This is a very powerful tool which permits the Town to become involved and assist in encouraging redevelopment where private investment may not initially have been interested. This tool is also beneficial in acquiring lands that are incompatible with surrounding land uses, and that may be better located elsewhere in the community.

### **E1.7.5.4 Capital Budgets**

The five-year capital budget allows the Town to forecast its needs and priorities over a five year period. This provides an opportunity to co-ordinate projects and to allocate funds to projects that can provide for optimum improvement of the Community. It provides as well the opportunity for more efficient use of public funds in the urban environment.

### **E1.7.5.5 Modification of Zoning Regulations**

In particular areas, zoning provisions can be used to develop a character, to encourage private infill development that would add to the tax base of the community while protecting and improving the existing development. Temporary Use By-laws, provisions for Holding By-laws and bonusing provisions can all be used to achieve stated objectives.

### **E1.7.5.6 Site Plan Control/Development Permits**

Site plan control and/or Development Permits can be an effective tool in encouraging and requiring private development to meet certain municipal objectives (e.g., streetscape improvements, better property access, naturalization, etc.).

### **E1.7.5.7 Community Groups**

Working with community groups may provide a variety of means of expanding and maintaining a range of public facilities, such as affordable housing or housing geared to seniors.

### **E1.7.5.8 Heritage Committee**

The local Heritage Committee can play an active role in defining a character in which redevelopment activities occur. With the advice of the Committee, Council may identify sites and areas that may be redeveloped with a particular emphasis on heritage preservation in the Community.

## **E1.8 DEVELOPMENT PERMIT SYSTEM**

The Town may, through a By-law passed pursuant to Section 70.2 of the *Planning Act*, and Regulation 608/06, establish a development permit system for one or more specific areas of the Town.

### **E1.8.1 Lands Subject to Development Permit System**

The following area(s) are described as proposed development permit area(s) and may be designated as such by a Development Permit By-law passed by Council pursuant to the provisions of the *Planning Act* and its associated regulations:

- a) The adjacent lands to any natural heritage feature or hydrologic feature for which the policies of this Plan require some level of impact assessment as a pre-condition to site alteration or development.

### **E1.8.2 Intent**

The intent of the Development Permit System is to establish a more efficient technical and administrative procedure to implement the policies of this Plan as they relate to the regulation of future development in these sensitive areas.

### **E1.8.3 Goals**

In developing and implementing a Development Permit System for site alteration and development within adjacent lands, the goals are to:

- a) Protect natural heritage features and hydrologic features;
- b) Minimize disruption to the local and Regional natural heritage system through management and regulation of development and site alteration;
- c) Enact a system that facilitates discussion and collaboration with a collective goal of protecting or enhancing the health and quality of the lake eco-system; and,
- d) Create an efficient approval process that provides for informed decision-making and the execution of binding agreements.

### **E1.8.4 Scope of Authority**

The Development Permit By-law is intended to be restricted to site alteration and development in the adjacent land to natural heritage features and hydrologic features, which will be more specifically defined in the Development Permit By-law.

Within the areas for which a Development Permit By-law has been enacted, the Zoning By-law will continue to apply, however zoning regulations relating to building construction may be modified, without the need for a zoning amendment.

### **E1.8.5 Criteria**

The modification of zoning regulations will be dependent on the extent to which criteria established through the Development Permit By-law have been met. Examples of such criteria may include:

- a) The submission of environmental assessment reports and site plans;
- b) Protection, enhancement and/or restoration of natural vegetation;
- c) Protection, enhancement and/or restoration of critical areas of fish habitat;
- d) In the case of redevelopment or expansion, siting new buildings and structures in such a manner as to minimize impacts on features and functions; and,

- e) Stormwater management designs that restrict or intercept stormwater from flowing directly to the lake.

### **E1.8.6 Conditions**

The modification of zoning regulations may require the landowner to fulfil certain conditions established through the Development Permit By-law. Examples of such criteria and conditions may include:

- a) Agreeing to conserve certain lands in a natural state;
- b) Agreeing to enhance and/or restore of critical areas of fish habitat;
- c) Agreeing to enhance and/or restore vegetative buffers or protection zones; or,
- d) Designing on-site stormwater management systems to restrict or intercept stormwater from flowing directly to the lake.

### **E1.8.7 Administration**

The Development Permit System in the Town of Pelham will be administered in accordance with Ontario Regulation 608/06 with the further requirement that a Notice of Complete Application for a Development Permit shall be forwarded to all abutting landowners of the applicant's land at least 10 days prior to Council's consideration of the permit.

## **E1.9 CONDITIONAL ZONING**

Recent amendments to Section 34 of the *Planning Act* provide municipalities with the authority to implement Conditional Zoning. However, at the time this Plan was prepared, the necessary Ontario Regulation had not been brought into effect by the Province.

Subsequent to the enactment of the applicable Regulation, this policy shall enable Council to implement Condition Zoning, provided such a By-law is used exclusively to facilitate and regulate site alteration and development within the adjacent land or minimum vegetation protection zones proximate to key natural heritage features located within the *Environmental Protection* and *Greenbelt Natural Heritage Overlay* designations in this Plan.

The consideration of broader application of Conditional Zoning will be the subject of a site-specific Official Plan Amendment or an Official Plan Review.

## **E2 NON-CONFORMING USES**

### **E2.1 INTENT OF THE OFFICIAL PLAN**

As a general rule, existing uses that do not conform with the policies of this Plan should gradually be phased out so that the affected land use may change to a use which is in conformity with the goals of the Official Plan and the intent of the Implementing Zoning By-law. In some instances, it may be necessary and practical to allow the replacement, extension or enlargement of non-conforming uses through the granting of a minor

variance or by placing the use in an appropriate zone in the Implementing Zoning By-law. In such instances, Council shall have regard for the following principles:

- a) The feasibility of acquiring the property for holding, sale, lease or development by the Town for a more appropriate permitted use; and,
- b) The possibility of relocating the non-conforming use to another site.

## **E2.2 ROLE OF THE COMMITTEE OF THE ADJUSTMENT**

If a property occupied by a non-conforming use cannot be acquired or the building(s) relocated, the Committee of Adjustment may, without an amendment to this Plan, allow extensions to a non-conforming use. Prior to such approval, the Committee shall consider the following:

- a) The size of the extension in relation to the existing operation;
- b) Whether the proposed extension is compatible with the character of the surrounding area;
- c) The characteristics of the existing use in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation and the degree to which any of these factors may be increased or decreased by the extension; and,
- d) The possibilities of reducing these nuisances through buffering, building setbacks, landscaping, Site Plan Control and other means to improve the existing situation, as well as minimize the problems from extension.

## **E2.3 ROLE OF THE IMPLEMENTING ZONING BY-LAW**

Existing uses which do not conform with the policies of this Official Plan may be zoned in the Implementing Zoning By-law in accordance with their present use, provided that:

- a) The zoning will not permit any change of use or performance standard that may negatively impact adjoining uses;
- b) The uses do not constitute a danger to surrounding land uses, humans or animals by virtue of their hazardous nature;
- c) The uses do not interfere with the appropriate development of the surrounding lands;
- d) When the use is discontinued, re-zoning may only take place in accordance with the policies and intent of this Plan.

## **E3 COMPLETE APPLICATION REQUIREMENTS**

Council and/or its delegate shall not declare any application made under the *Planning Act* to be complete until Council is provided with information, studies or drawings specified in this Plan that are necessary to inform the public and make a decision on the application. Until an application is submitted that addresses pre-consultation and complete application requirements as specified below, Council will deem such applications to be incomplete.

### **E3.1 PRE-CONSULTATION AND COMPLETE APPLICATIONS**

In order to ensure that all the relevant and required supporting information pertaining to a planning application is provided at the time of submission, Council may, by By-law,

require a proponent to attend a pre-consultation meeting with Town staff and/or Regional and NPCA staff prior to the submission of a planning application. Prior to attending any pre-consultation meeting, it is expected that the proponent will have reviewed and be aware of policies in this Plan that may be applicable to the proponent's objective. Subsequent to a pre-consultation meeting, the Town will determine what supporting information (i.e. reports and studies) is required as part of the complete application submission and inform the proponent of these requirements.

The following information, at a minimum, shall be required as part of a complete application:

- a) Prescribed application fee as requested by the Town of Pelham, Region, NPCA, Niagara Escarpment Commission, or any other public agency;
- b) Completed application form together with requisite authorizations, if necessary;
- c) Prescribed information and material as required by Planning Act Regulations;
- d) Covering letter, which outlines the nature of the application and details of the pre-consultation meeting (if applicable);
- e) Concept plans and/or drawings; and,
- f) Any studies as identified as necessary through pre-consultation

The following supporting information may be required as part of a complete application, to be determined through pre-application consultation with staff:

- a) Transportation Impact Study;
- b) Functional Servicing Report;
- c) Stormwater Management Plan;
- d) Tree Preservation Report and Plan;
- e) Hydrogeological Assessment;
- f) Watershed or Subwatershed Study;
- g) Floodline Delineation Report;
- h) Agricultural Impact Assessment Study;
- i) Architectural/Urban Design Study;
- j) Environmental Site Assessment;
- k) Planning Justification Report;
- l) Ministry of the Environment (MOE) Record of Site Condition (RSC);
- m) Contaminant Management Plan;
- n) Environmental Impact Study;
- o) Archaeological Assessment;
- p) Heritage Impact Assessment;
- q) Wind Study;

- r) Noise Study;
- s) Vibration Study;
- t) Geotechnical Study;
- u) Slope Stability Study;
- v) Market/Retail Impact Study or Analysis;
- w) Conceptual Site Plan and Building Elevations;
- x) Erosion and Sediment Control Plans; or,
- y) Any other technical study deemed necessary.

### **E3.2 TECHNICAL STUDIES AND PEER REVIEWS**

Where a policy in this Plan requires the submission of technical studies, such as an Environmental Impact Study (EIS), such studies must be prepared at the applicant's expense by a qualified professional. When technical studies are submitted in support of any application, the Town, Region and/or the NPCA may authorize a qualified professional to peer review such studies and provide advice to the approval authority at the applicant's expense.

## **E4 TECHNICAL AMENDMENTS TO THE PLAN**

Council shall not issue public notification under the *Planning Act* for changes to the Official Plan which facilitates the following:

- a) Change the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
- b) Consolidate previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
- c) Correct grammatical or typographical errors in the Plan which do not affect the intent or affect the policies or maps;
- d) Reword policies or re-illustrates mapping to clarify the intent and purpose of the Plan or make it easier to understand without affecting the intent or purpose of the policies or maps; and,
- e) Translate measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed.

In all other instances, notification to the residents of the Town of public meetings held by Council shall be given in accordance with the requirements of the *Planning Act*.

## **E5 INTERPRETATION OF LAND USE DESIGNATION BOUNDARIES**

The boundaries between land uses designated on the Schedules to this Plan are approximate except where they meet with roads, railway lines, rivers, pipeline routes, transmission lines, lot lines or other clearly defined physical features and in these cases are not open to flexible interpretation. Where the general intent of the document is maintained, minor adjustments to boundaries will not require amendment to this Plan.

It is recognized that the boundaries of the *Environmental Protection* designations may be imprecise and subject to change, given the dynamic and or seasonal nature of some natural heritage features. The Town shall determine the extent of the environmental areas on a site-by-site basis when considering development proposals, in consultation with the appropriate agencies. Any minor refinement to the *Environmental Protection* designation shall not require an Amendment to this Plan.

Where a lot is within more than one designation on the Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

## **E6 OFFICIAL PLAN REVIEW PROCESS**

The assumptions, objectives and policies of this Plan shall be reviewed at least once every five (5) years at a meeting of Council, which shall be advertised in accordance with the *Planning Act*, as amended.

The five-year review shall consist of an assessment of:

- a) Provincial and Regional growth allocations and the degree to which such allocations are being achieved;
- b) The effectiveness of the Plan in protecting water quality, heritage resources, natural resources and habitat and the general environment within the Town;
- c) The continuing relevance of the vision that forms the basis of all policies found in this Plan;
- d) The degree to which the objectives of this Plan have been met;
- e) The amount and location of lands available for urban development;
- f) Whether the Town has realized a desirable balance of commercial and industrial assessment in relation to residential assessment;
- g) The Town's role within the Region and its relationship with other municipalities;
- h) Development trends in the Region and their effect on development in Pelham; and,
- i) Matters which are necessary to address to ensure consistency with Regional and Provincial Plans and policy documents.

## **E7 DEFINITIONS**

The definitions provided in Appendix F represent a consolidated list of terminology taken from the Provincial Policy Statement and Provincial Plans. This summary has been provided for convenience and easy reference. Where a term used in this Plan, or a definition in Appendix F, is inconsistent with a definition in the Provincial Policy Statement or a Provincial Plan, the definition in the Provincial document shall prevail.