

## Section 1: Introduction

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### 1.1 Purpose of the Official Plan and Planning Context

This document constitutes the Official Plan for the Town of Pelham. It may be called the "Official Plan" or the "Plan."

An Official Plan is a strategic document that describes how and where a municipality will grow over a 30-year planning horizon. In Ontario, an Official Plan is adopted under the authority of the *Planning Act* as a document approved by the Minister of Municipal Affairs and Housing that contains objectives and policies to guide the physical *development* of a municipality while having regard for relevant social, economic, built and natural environment matters. Where an Official Plan is in effect, no public work is to be undertaken, and no by-law is passed unless it conforms with the Official Plan.

This Plan has been prepared and enacted by the provisions of the *Planning Act*. It updates the previous Official Plan for the Town of Pelham, ~~which was adopted by the adopted by~~ Council on April 2, 2012, and approved by the Ontario Municipal Board on July 18, 2014. It is updated regularly through various site-specific official plans, policy-specific plans, and housekeeping amendments. This Plan includes detailed provisions required to ensure conformity and consistency with the Provincial Planning Statement and applicable Provincial and Regional legislation. As of March 31, 2025, the Niagara Region was defined by the *Planning Act* as an upper-tier municipality without planning responsibility. As a result, the Niagara Region's Official Plan is now deemed to be an Official Plan for the lower-tier municipalities. This Official Plan has been prepared in accordance with the framework and applicable policies of the Region of Niagara Official Plan. Upon its approval by the Province, the Region of Niagara Official Plan, along with the current Town of Pelham Official Plan (2014) will be revoked and this Plan will become the new Official Plan for the Town of Pelham.

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This Official Plan is created under a colonial land use planning framework but seeks to integrate the knowledge and practices of Indigenous Nations who have been present on this land since time immemorial. This Plan seeks opportunities for partnership and connection with the land, focusing on protection and conservation of the natural environment. This Plan seeks to recognize the origins of the lands on which we live, including the treaty relationships, specifically with the Mississaugas of the Credit First Nation and Indigenous histories, presenting a framework for relationship-building with Indigenous communities.

The Town of Pelham shall implement this Plan in a manner that is consistent with the recognition and affirmation of existing Aboriginal and Treaty rights in section 35 of the Constitution Act, including the opportunity to engage Indigenous communities. The Town will update this Plan regularly with amendments and consolidations to ensure conformity with Provincial plans, consistency with policy statements, and relevance to

the town's local perspectives. A comprehensive review of the Town's land needs and revision to the Official Plan will occur no less frequently than 10 years after it comes into effect as a new Official Plan and every five years thereafter, as per Section 26 (1.1) of the *Planning Act*.

Secondary Plans may be established for parts of the Town, as required, as separately adopted plans. The Town's Official Plan will remain the primary document and any secondary plans, as required, will complement the Town's Plan by providing greater detail and localized land use policies.

~~Secondary Plans may be established for parts of the Town as part of the Official Plan or a separately adopted plan. The Town's Official Plan will remain the primary document, and any Secondary Plans will complement the Town's Plan by providing greater detail and localized land use policies.~~

The Official Plan:

- a) Establishes a vision, guiding principles, strategic goals, objectives and policies to manage future land use patterns that positively affect the town's social, economic, cultural and natural environment.
- b) Promotes long-term community sustainability and embodies policies and actions that aim to concurrently achieve social well-being, economic vitality, cultural conservation and enhancement, environmental integrity and energy sustainability.
- c) Promotes the public interest in the town's future *development* and provides a basis for a comprehensive land use policy, which will be implemented through the Zoning By-law and other land use controls.
- d) Guides decision-making and community building to the year 2051.

## **1.2 Plan Organization**

The Official Plan consists of written text, figures and tables within the text, schedules, and definitions. It comprises twelve policy sections, Schedules A through F, and Appendices 1 through 5.

*Section One: The introduction* establishes the context for the Official Plan. This section sets out the purpose and describes how the plan is structured and how it should be read and interpreted.

*Section Two: Strategic Directions* establishes the Plan's Vision, Mission, Guiding Principles and Strategic Goals.

*Section Three: Planning a Complete and Healthy Community* provides an overview of the Town's urban structure, establishes the Town's *intensification* and growth targets, and identifies objectives for growth management, housing, climate change, and cultural heritage conservation.

*Section Four: Protecting What is Valuable* establishes policies and *development* criteria that address natural heritage protection, water resource protection and health and safety provisions aimed at ensuring a diverse, healthy environment.

*Section Five: Movement of People and Goods* provides transportation policies to facilitate the safe, efficient, and convenient movement of goods and people throughout the Town.

*Section Six: Municipal Services* provides policies for municipal services, including water, wastewater and stormwater.

*Section Seven: Community Infrastructure* sets out a policy framework for efficiently planning physical and social *infrastructure* to sustain and support growth and quality of life in the Town.

*Section Eight: General Land Use* sets out objectives, policies, permitted uses, and design and *development* criteria for land use designations within the Town that fall under general criteria or are identified through Provincial and Regional Policies such as Parks and Open Space, the Niagara Escarpment Plan Area, the Greenbelt Plan Area and *GBNHS*, and the *Natural Environment System*, as set out on Schedule A.

*Section Nine: Agriculture and Rural Land Use* sets out objectives, policies, permitted uses and design and *development* criteria for land use designations outside the *Settlement area* Boundary.

*Section Ten: Urban Area Land Use* sets objectives, policies, permitted uses, and design and *development* criteria for land use designations within the settlement area boundary.

*Section Eleven: Implementation* provides the operational framework and tools necessary to achieve the goals and objectives and implement the plan's policies.

*Section Twelve: Definitions* provides a glossary of terms used within this Plan to support policy implementation.

*Schedules* contain maps that correspond to policies within the Plan.

~~*Appendix 1-3: Secondary Plans* includes the approved *Secondary Plans for Northwest Fonthill, East Fonthill and East Fenwick*.~~

~~Appendix 4: Urban Design Guidelines provides detailed recommendations on how the Town will be built. It focuses on creating adaptable and well designed infrastructure networks, buildings, sites, neighbourhoods, and open spaces.~~

~~Appendix 5: Natural Environment System: Components and Criteria provides detailed information on the natural environment system's components and criteria for individual features. This is essential for implementing and identifying features during the development review process.~~

### **1.3 How to Use and Interpret the Official Plan**

The Town's Official Plan contains goals, objectives, and policies intended to manage and direct physical change, including the effects of this change on the Town's social, economic, built, and natural environments. It is intended that the policies of this Official Plan will allow for some level of flexibility through interpretation without the need for an Official Plan Amendment. Such interpretations must be consistent with provincial plans and policies. Furthermore, such interpretation must be consistent with the intent of the policies of this Official Plan and must represent good planning. There is no implied priority to the order in which policies appear.

This Official Plan is a legal document prepared by the Town of Pelham and approved by the Province of Ontario by the *Planning Act*. Any reference to "the Town" or "the Town of Pelham" shall mean the Corporation of the Town of Pelham.

The Town considers the policies, schedules and appendices in this Plan consistent with the Provincial Planning Statement and the Greenbelt Plan. The detailed direction provided in the policies and schedule mapping of this Plan complements provincial policies and plans regarding matters of municipal interest to the Town, giving direction for sustainable and managed growth.

#### **1.3.1 General Interpretation**

- 1.3.1.1 The Plan is an integrated document. For any individual part to be correctly understood, the Official Plan must be read as a whole, incorporating broader goals into land use designations, policies, and specific directions for implementation. Schedules, unnumbered text, goals, definitions, and tables are all operative parts of the Official Plan. However, figures are included for information purposes only. The words "will" or "shall" express a mandatory requirement within this Plan. Where the words "should" or "where feasible" are used, alternative approaches to meet the interpreted intent of the policy may be considered.
- 1.3.1.2 The effect of this Plan is such that no Town public works shall be undertaken, and no Town By-law passed for any purpose that does not

conform to and comply with this Plan. Public works undertaken by all other levels of government or public agencies, including the Government of Canada and the Province of Ontario, shall also be required to conform to this Plan, except where they are exempted under specific Federal or Provincial legislation.

1.3.1.3 The objectives of this Plan are intended to provide an 'endpoint' on what is desired to be achieved. They have been derived from goals and research undertaken as part of other comprehensive studies and inform the policies of this Plan. They are intended to act as performance measures related to the successful implementation of the policies of this Plan.

1.3.1.4 The policies of this Plan are intended to guide the objectives of this Plan, representing minimum standards that will inform procedures and implement performance standards. For many subject matters, policies in this Plan have exceeded the minimum requirements set out in Provincial plans and policies to address issues of local importance to the Town of Pelham. In the event of a discrepancy between the policies of this Plan and Provincial policies and plans, the more restrictive policies shall prevail except where the relevant legislation provides otherwise.

~~1.3.1.4 — Some areas of the town where more significant growth is anticipated need more detailed guidance from this plan, in which case, secondary plans have or will be prepared. Secondary Plans establish local development policies to guide growth and change in defined areas and are adopted as amendments to this Plan. This plan contains several existing secondary plans that have been kept as a whole or part because they continue to provide a relevant policy framework for future community growth.~~

~~1.3.1.5 — One new Secondary Plan area is contemplated to address settlement boundary expansion in South Fonthill. The approved settlement boundary expansion for East Fonthill will be incorporated into the East Fonthill Secondary Plan through an amendment to that Plan. These Secondary Plan areas are included within this Plan and are to be interpreted as operative components of this Plan.~~

~~1.3.1.4 — A new secondary plan will be prepared to address the settlement boundary expansion in South Fonthill, approved through the Region of Niagara Official Plan and the Ministry of Municipal Affairs and Housing.~~

1.3.1.65 Every time a policy uses a term defined in the Glossary of Part 12, its meaning shall be interpreted according to that definition unless specified otherwise.

- 1.3.1.~~76~~ Where lists of permitted uses are provided in designations and policies, such lists reflect the possible range of *compatible* uses to be considered. These lists have intentionally been generalized unless otherwise specified in this Plan, leaving a more detailed listing of permitted uses to be determined by the Zoning By-Law. Accordingly, more specific uses not shown in such lists but considered by the Town of Pelham to be similar to the listed uses of this Plan may be appropriately accommodated within the subject designation through the Zoning By-Law without the need for an Official Plan Amendment, provided they are *compatible* with the surrounding uses and do not negatively impact public health and safety.
- 1.3.1.~~87~~ Where reference is made in this Plan to documents outside the Official Plan, such as Provincial or Federal legislation, it is understood that it is the latest approved version of the documents that are being referenced unless otherwise specified.
- 1.3.1.~~98~~ The indication of any proposed or conceptual roads, bridges, parks, trails, municipal services, or *infrastructure* in policy text or on Plan schedules will not be interpreted as a commitment by the Town to provide such services within a specific timeframe, nor to be specifically or solely the responsibility of the Town to provide, finance, or otherwise implement. Nor will any omission of conceptual facilities be interpreted as an exemption from the provision of the facility for which the Town has determined need. These conceptual works will be integrated into the long-term planning process as contemplated. Minor adjustments to these facilities do not require an amendment to the Official Plan, provided their feasibility has been studied to the satisfaction of the Town of Pelham, and they are consistent with the overall objectives and policy directions of the Plan.
- 1.3.1.~~109~~ Where the Plan refers to studies, guidelines, and other policy documents, such as *watershed* plans, master, community design plans or engineering design standards, such policy documents are not part of the Plan unless the Plan has been specifically amended to include the document in whole or in part. In many instances, these documents implement the policies of the Plan and may be used to guide Council decisions on *development*, capital works projects and other matters. However, they do not have the status of policies in this Plan adopted under the *Planning Act*.
- 1.3.1.~~110~~ Where the Province of Ontario has issued guidance material, any agency having jurisdiction over a matter, or by the Town of Pelham, such information shall be used to support the interpretation and implementation of these policies in this Plan. Where any guidance material is referenced, it is intended that such references be interpreted to include any subsequent guidance that may amend or replace the reference document.

### 1.3.2 Schedule Boundaries

- 1.3.2.1 Boundaries for designations are deemed to be definitive. They are generally intended to follow property lines and coincide with well-defined natural and physical features such as the centreline of roads, rail facilities, hydro transmission lines, the boundaries of former township lots and concession lines, the edges of *significant* watercourses, forests, *wetlands* or similar.
- 1.3.2.2 Boundaries for the *Natural Environment System*, natural features and areas, and natural hazards shall be considered approximate except where they coincide with roads, rail facilities, hydro transmission lines, former township lots and concession lines, major watercourses or other well-defined natural or physical features. These designations may be further refined through additional studies as outlined in the policies of this Plan and, where applicable, in consultation with any agency having jurisdiction. These boundaries do not include any associated buffers as prescribed in Section 4.
- 1.3.2.3 Unless otherwise stated in the policies, when the general intent of this Plan is maintained, minor adjustments to boundaries will not require an amendment to this Plan and will be updated by consolidation reporting.
- 1.3.2.4 In the event of a discrepancy between the policies and the related Schedule, the policies will take precedence.

### 1.3.3 New Settlement Area or Settlement Area Boundary Expansion

#### 1.3.3.1 In identifying a new *settlement area* or allowing a *settlement area* boundary expansion, the Town shall consider the following:

- a) the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;
- b) if there is sufficient capacity in existing or planned *infrastructure* and *public service facilities*;
- c) whether the applicable lands comprise *specialty crop areas*;
- d) the evaluation of alternative locations which avoid *prime agricultural areas* and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
- e) whether the new or expanded *settlement area* complies with the *minimum distance separation formulae*;

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f) whether impacts on the *agricultural system* are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an *agricultural impact assessment* or equivalent analysis, based on provincial guidance; and

g) the new or expanded *settlement area* provides for the phased progression of urban development.

1.3.3.2 Notwithstanding policy 1.3.3.1 b), the Town may identify a new *settlement area* only where it has been demonstrated that the *infrastructure* and *public service facilities* to support development are planned or available.

1.3.3.3 For lands located within the Greenbelt Plan area, *settlement area expansions* may be permitted into *rural lands* in accordance with Section 3.4 of the Greenbelt Plan, as amended.

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## 1.4 Official Plan Update and Monitoring

The Town will regularly update the Official Plan to ensure that the plan implements any changes to the Provincial Planning Statement or other provincial plans. The official plan update is also an opportunity to ensure the official plan continues to address local priorities and changing community needs. This update should be completed ten years after a municipality prepares a new comprehensive official plan or every five years after an update is done through an amendment to the plan.

### 1.4.1 Monitoring and Plan Review

The Town will review and update the policies of this Plan by the *Planning Act*. It shall monitor and report on its implementation by reporting requirements, data standards, and other guidelines the Province may issue.

1.4.1.1 To assess the effectiveness of the Official Plan and to facilitate the updating of the Official Plan, the Town may monitor various matters, including but not necessarily limited to the following:

- a) whether Provincial growth and *intensification* targets are being met;
- b) the effectiveness of the policies in achieving the overall strategic directions, objectives and the intent of the policies in this Plan;
- c) whether *development* is being carried out in conformity with the policies of this Plan;
- d) any *significant* changes to applicable legislation and policies, including Provincial plans and policies;

- e) servicing capacity;
- f) the supply of existing and potential housing stock by type, including *affordable* housing, to accommodate the varying needs of residents; and
- g) changes to the general demographic, economic, employment, social, environmental and technological circumstances as related to the effectiveness of this Plan.

#### **1.4.2 Housekeeping Amendments and Technical Revisions**

1.4.2.1 The Town reviews the Plan annually to determine whether the policies' implementation and interpretation achieve the policies' overall strategic directions and intent. The town will use annual housekeeping amendments to provide clarification and update policies and/or schedules wherever deemed appropriate.

1.4.2.2 Technical revisions to this Plan will not require an Official Plan Amendment, provided they do not change the intent of this plan. Technical revisions include:

- a) changing the numbering, cross-referencing and arrangement of the text, tables and Schedules;
- b) altering punctuation or language for consistency;
- c) correcting grammatical, dimensional and boundary, mathematical or typographical errors that do not affect the intent of policies or Schedules;
- d) adding technical information to Schedules;
- e) changing format or presentation;
- f) unless otherwise stated in the policies of this Plan, when the general intent of this Plan is maintained, minor adjustments to boundaries will be updated by way of consolidation reporting;
- g) minor refinements to the boundaries of the *Natural Environment System, hazardous lands or hazardous sites* by the policies of this Plan and any agency having jurisdiction; and
- h) consolidates approved Official Plan Amendments in a new document without altering approved policies or Schedules.

### **1.4.3 Amendments to the Plan**

1.4.3.1 An amendment to this Plan is required to:

- a) permit a change in land use;
- b) allow for uses not permitted and/or by the policies of this Plan; and
- c) to change *Settlement area* boundaries by the policies of this Plan and the *Planning Act*.

1.4.3.2 In considering an amendment to this Plan, the Town shall consider the following:

- a) as part of a complete application, a Planning Justification Report and other studies, as required by the Town, shall address matters including, but not limited to, demonstrating:
  - i) conformity with the *Planning Act* and any applicable Provincial legislation, policies, plans, and guidelines;
  - ii) compliance with applicable legislation, policies and guidelines of any agency having jurisdiction;
  - iii) the desirability and appropriateness of changing the Official Plan to accommodate the proposed use and how the proposal meets the intent of the strategic direction, objectives, and policies in each Section of this Plan; and
  - iv) how it conforms to any other applicable Town by-laws, plans, and guidelines;
- b) the need for the proposed use, including justification for the amount of land proposed for a change in designation based on existing undeveloped lands available in alternative locations in the Town;
- c) the cumulative impact of approving similar *development* applications;
- d) adequacy of *infrastructure* and community facilities by the policies of this Plan;
- e) the potential effect on the financial sustainability of the Town;
- f) the impact of the proposal on the Town's ability to achieve the density

targets as expressed in this Plan; and

- g) any other criteria determined to be relevant and applicable by the Town in consultation with any agency having jurisdiction.

#### 1.3.4 Transition Policies

To ensure a smooth transition to the policy framework of this Official Plan concerning applications made under the previous Official Plan of the Town of Pelham, the following transition policies shall apply:

- 1.3.4.1 *Development* applications submitted and deemed complete through a *Planning Act* application before Provincial approval of this Plan and subsequent *development* applications implementing such *development* applications (e.g. a site plan application within a larger plan of subdivision) shall be reviewed under policies of the 2012 Town of Pelham Official Plan.
- 1.3.4.2 Where a *development* application was submitted and deemed complete before Provincial approval, but the applicant wishes to leverage the policies of this Official Plan, it shall be understood that all remaining portions of the *development* and subsequent applications will then be reviewed under the guidelines of this Plan.
- 1.3.4.3 For any Official Plan Amendments to the 2012 Official Plan that have cleared appeals prior to Ministerial approval of this Plan, the Town will modify this plan to incorporate such amendments.

#### 1.3.5 Ongoing and Approved Secondary Plans

- 1.3.5.1 Where a secondary plan has been approved after July 1, 2012, those portions that are not subject to a draft-approved plan of subdivision or plan of condominium shall be approved in accordance with the approved mapping and policies of the secondary plan.
- 1.3.5.2 Where a secondary plan was approved prior to July 1, 2012, those portions that are not subject to a draft-approved plan of subdivision or plan of condominium shall be subject to the mapping and policies of this plan. Conformance with the mapping and policies of this Plan be done through an update to the secondary plan or through the approval of individual plans of subdivision or plans of condominium, as determined appropriate by the Town.
- 1.3.5.3 For secondary plans in process, the mapping and policies of this Plan shall be considered in the work program and an Official Plan Amendment.

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1.3.5.4 All approved Secondary Plans shall be reviewed and amended to align with the strategic directions of this Official Plan within two (2) years of its adoption. Until this review is complete, Council may rely on the policies of the new Official Plan to guide development, particularly where a Secondary Plan does not conform to current provincial policy statements or growth targets.

1.3.5.5 Where a conflict exists between the policies of this Official Plan and a Secondary Plan adopted prior to May 20, 2026, the policies of this Official Plan shall prevail to the extent of the conflict. Until such time as the Secondary Plan is amended to conform with this Official Plan, the policies of this Official Plan take precedence, particularly regarding town-wide growth management, infrastructure, and environmental policies.

## Section 2: Strategic Directions

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### 2.1 Introduction

The primary purpose of the Official Plan is to provide the basis for managing land use and growth that will support and emphasize the Town's unique character, diversity, civic identity, mixed urban and rural lifestyle and natural heritage features. This Official Plan seeks to manage land use change in a way that positively impacts the quality of life and health of all citizens who live and work in Pelham. The Plan recognizes that future objectives can only be achieved through a strategic vision, policies and actions. Ultimately, the Plan establishes a policy planning framework to retain and improve the quality of life for residents of the Town.

The town has several *significant* environmental and topographical features that contribute to its sense of place. These features include the Niagara Escarpment, Fonthill Kame, numerous rivers and streams, *woodlands*, and *wetland* areas that support diverse wildlife and plant communities. Protecting these attributes and other *natural heritage features and areas* and systems is a key underlying principle in this Official Plan.

The agricultural areas of the town, particularly the Speciality Crop Area, are also considered an *essential* component of the community's character. These areas shall remain protected for future *agricultural use* as they play an *essential* role in the local and regional economy.

#### Vision

The vision for the Town is rooted in thoughtful stewardship of the land, environment and people with a commitment to fostering a thriving community that balances growth with sustainability, ensuring a prosperous and inclusive future for all.

Central to this vision is the principle of sustainable growth, guided by a deep respect for the natural environment and a dedication to preserving the town's unique character. With natural heritage features, rich agricultural lands, and diverse housing, Pelham will plan, protect, and provide policies to support positive land use and sustainable growth.

Neighbourhoods will be vibrant and accessible, with *affordable housing options* available to all residents, fostering a sense of belonging and opportunity. The Town will aspire to build a community that thrives today while laying the foundation for a prosperous and sustainable tomorrow.

Through strategic land use planning, the Town will cultivate dynamic urban areas in Fonthill and Fenwick while safeguarding *Prime Agricultural Areas* ~~agricultural lands~~ and natural heritage features. The policies of this Plan will actively address *climate change*, supporting innovative initiatives that mitigate environmental impact and promote

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resilience. Additionally, the Town will use an *agricultural systems* approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agricultural food network.

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## **2.2 Fundamental Assumptions and Strategic Direction**

### **2.2.1 Growth Management**

- 2.2.1.1 The Town of Pelham is forecast to grow to a minimum population of 29,000 residents and 7,100 jobs by 2051.
- 2.2.1.2 There is sufficient land within the *settlement areas* of Fonthill and Fenwick to accommodate population, housing and population-related employment to 2051.
- 2.2.1.3 An urban *intensification* target of 25% is set in the *built-up areas* of the primary *settlement areas* of Fonthill and Fenwick.
- 2.2.1.4 A minimum *designated growth area* density target of 50 residents and jobs per gross hectare is set within the primary *settlement areas* of Fonthill and Fenwick.
- 2.2.1.5 Residential and employment growth in line with the Town's growth forecasting will occur through the community structure and land use designations, in coordination with the Niagara Region's Master Plans and in keeping with the *complete community* framework that supports urban design, environmental protection, fiscal responsibility for the Town and taxpayers, and wise and efficient use of land and *infrastructure*.
- 2.2.1.6 Rural *settlement areas* with private or partial water and wastewater servicing *infrastructure* should not be the focus of large-scale residential *development* without appropriate, localized, and coordinated planning.
- ~~2.2.1.7 The *settlement area* boundary expansion for South Fonthill will proceed via the *Secondary Plan* process. While the approved expansion area for East Fonthill will be incorporated into the existing East Fonthill *Secondary Plan*.~~

### **2.2.2 Planning a Complete and Healthy Community**

- 2.2.2.1 The achievement of complete communities is supported by planning to accommodate forecasted growth to 2051 in areas of the Town which are appropriately serviced and well-connected to the places where people work and live.

~~2.2.2.2 To welcome and accommodate a diverse population base of all backgrounds, ages, and incomes, a broad range of affordable housing options by structure type and tenure (ownership and rental) is encouraged.~~

~~2.2.2.2 The Town shall provide for an appropriate range and mix of housing options and densities to meet the projected needs of current and future residents of the Town by permitting and facilitating:~~

~~a) All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and~~

~~b) All types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.2.2.3.~~

~~2.2.2.3 The Town shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.~~

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2.2.2.34 A compact built environment will be created that enables physical activity, the building of social connections, positive health outcomes, and resiliency through an evolving urban form supported by sustainable mobility options and a reduction in vehicle dependency.

2.2.2.45 An appropriate range and mix of employment opportunities, local services, and community infrastructure should be provided to meet current and project needs to 2051 become a complete community.

2.2.2.56 Policies are included that encourage a comprehensive public open space system and preserve and enhance a safe, liveable, and healthy community.

### 2.2.3 Protecting What is Valuable

2.2.3.1 Clear direction is provided on the permanent protection of a Natural Environment System, including the natural heritage and water resource systems, features and linkages and the protection of life and property from hazardous lands or hazardous sites.

- 2.2.3.2 Establish and implement policies and actions that will contribute to achieving the goals and objectives of the Town's Natural Asset Management Plan.
- 2.2.3.3 The *quality and quantity of water*, including *surface and groundwater features*, will be protected, improved, and restored.
- 2.2.3.4 Agricultural areas demonstrating a high capability for agricultural production will be protected, and potential conflicts will not hinder ~~bonafide~~ farmers from following *normal farm practices* for new *development* or *redevelopment*.
- 2.2.3.5 Fragmentation of the *agricultural system* will be avoided by limiting the permissions for new lots in ~~agrarian areas~~ prime agricultural areas, including specialty crop areas.
- ~~2.2.3.6~~ As part of the agricultural land base, prime agricultural areas, including specialty crop areas, are designated and protected for long-term agricultural uses.
- ~~2.2.3.67~~ Lot creation and uses related to residential, commercial, *institutional and public service facilities and uses* are directed to *settlement areas*.
- ~~2.2.3.78~~ Areas exhibiting **high** potential for *mineral aggregate resources* or *mineral deposits* will be protected from encroachment to ensure the potential future extraction of such deposits is required. Additionally, the Town will partner with the aggregate industry to encourage operational sites to be *compatible* with and respect the community and the *natural environment system* features and functions.
- 2.2.3.8 Manage and enhance the Town's cultural heritage resources and ensure that new *development* or *redevelopment* will regard cultural heritage resources to support the identification, evaluation, conservation, enhancement and adaptive reuse of cultural heritage assets.
- 2.2.3.9 Establish and implement policies and actions that will contribute to achieving the goals and objectives of the Town's Corporate Climate Change Adaptation Plan.
- 2.2.3.10 Support an integrated approach to meeting the community's energy needs by designing places and buildings that minimize energy and water consumption and waste production, thereby supporting an increasingly low carbon footprint.
- 2.2.3.11 Promote opportunities for using and generating renewable and *alternative energy systems, renewable energy sources and renewable energy systems*.

#### **2.2.4 Movement of People and Goods**

- 2.2.4.1 Develop a safe, efficient, convenient and sustainable *transportation system* that supports all modes of travel, including *active transportation*, to support sustainable land use patterns.
- 2.2.4.2 Integrate transportation and land use planning to support the *development of complete communities*.
- 2.2.4.3 Establish a street pattern that provides appropriate and easy access for residents throughout the Town, integrated with existing public roads and open space wherever possible.
- 2.2.4.4 Recognize the importance of the Niagara Central Dorothy Rungeling Airport and its adjacent industrial land base as assets in future local and regional economic *development*.
- 2.2.4.5 The *transportation system's* priorities will include fiscal responsibility, accessibility, equity, and optimizing the use of transportation assets.

#### **2.2.5 Municipal Services and Community Infrastructure**

- 2.2.5.1 *Infrastructure* required to accommodate growth will be provided in a timely, sustainable and fiscally responsible manner.
- 2.2.5.2 Direct *development* to areas where complete municipal services (*municipal sewage services* and *municipal water services*) and related *infrastructure* exist or can be made available while considering existing land uses, *natural heritage systems* and *development* constraints.
- 2.2.5.3 Ensure that *infrastructure* required to serve the settlement areas is built before or coincides with new *development*.
- 2.2.5.4 Infill and *intensification* will be supported in primary *settlement areas* by ensuring adequate capacity and *infrastructure* delivery.
- 2.2.5.5 The use of innovative stormwater management solutions will be optimized.
- 2.2.5.6 Integration of *green infrastructure* is encouraged to mitigate the impacts of *climate change* and address challenges in maintaining existing *infrastructure* and planning for new *infrastructure*.
- 2.2.5.7 A clean and sustainable supply of water is *essential* to the long-term health and prosperity of the Town and will be protected.

- 2.2.5.8 *Infrastructure* and public service facilities will be strategically located to support the effective and efficient delivery of emergency management services.
- 2.2.5.9 An accessible, connected open space, park and trail system, and sustainable network of recreational facilities are prioritized to promote a physically active and healthy community that meets residents' needs for active and passive recreation activities.
- 2.2.5.10 Community facilities will be provided to meet the social, health and education needs of existing and future residents to maximize accessibility.

**2.2.6 Urban Design, Economic Development and Prosperity**

- 2.2.6.1 Preserve, enhance and protect the distinct character of the Town and the sense of community of the neighbourhoods.
- 2.2.6.2 Plan and design an attractive urban landscape while encouraging innovative and sustainable design and *development* opportunities.
- 2.2.6.3 Foster a sense of civic identity through a high standard of urban design in public and private *development*.
- 2.2.6.4 Design the entrances along Highway 20 into Fonthill to ensure they serve as desirable gateways into the downtown core and settlement area. Additionally, the Town will protect and enhance the downtown and main street areas as key components of the Town's public realm and key economic drivers.
- 2.2.6.5 Main Streets in the Town and hamlet areas will focus on commerce, services, and tourism, and opportunities for jobs, commerce, and services based on current and future growth will be supported.
- 2.2.6.6 Land use policy and implementation will encourage the growth of a more diversified local economy.

## **Section 3: Planning a Complete and Healthy Community**

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The Town of Pelham is committed to fostering a strong, resilient, and inclusive community. This Plan emphasizes thoughtful growth and *development* that address the needs of all residents, promoting gradual improvements that enhance functionality, community character, equity, and access to *essential* daily services. A well-organized community structure and its overall impact must be carefully assessed in the *development* process. Community involvement is *essential* to creating vibrant, complete communities and ensuring that growth aligns with the objectives of this Official Plan.

This section outlines policies that support the *development* of healthy and complete communities. These guidelines apply to all designations and *development* projects.

### **3.1 Growth Management**

The Town of Pelham is expected to grow to achieve a minimum population of at least 29,000 residents and at least 7,140 jobs by 2051.

This represents an increase of at least 10,800 people and 3,000 jobs throughout the Town from 2021 to 2051. Most of this growth is expected to occur in the approved *settlement areas* of Fonthill and Fenwick, with a limited amount of residential and commercial *development* in the rural *settlement areas* of Ridgeville and North Pelham.

~~In Fonthill, future residential growth will be accommodated primarily within the East and South Fonthill Secondary Plan areas.~~—The policies of this Plan also encourage additional housing growth through *residential intensification*, including *additional residential units* in the Downtown and within the surrounding established neighbourhoods and through *redevelopment* in transitional areas adjacent to the Downtown.

~~In Fenwick, future residential growth will be accommodated within the East Fenwick Secondary Plan area and through residential intensification, including additional residential units.~~

At the time of each Official Plan update, sufficient land shall be available to accommodate an appropriate range and mix of land uses to meet projected needs for a minimum time horizon of at least 25 years. The Town can extend this time horizon when planning for *infrastructure*, transportation options and public service facilities.

#### **3.1.1 Objectives**

3.1.1.1 Managed, phased and sustainable urban and rural *development* will accommodate at least 29,000 residents and at least 7,140 jobs over a 25-year planning horizon to 2051 throughout the Town.

- 3.1.1.2 Provide sufficient land supply within the Town's *Settlement areas* with existing and planned *municipal water services* and *municipal sewage services* to accommodate projected growth to 2051.
- 3.1.1.3 The phasing, pace and scale of all new future *development* will be aligned with the timing of *infrastructure* delivery in a fiscally sustainable manner in coordination with the Niagara Region's Master Plans.
- 3.1.1.4 Growth will be limited in ~~agriculture and~~ rural areas and directed to rural *settlement areas* where *partial services*, *private communal sewage services*, *private communal water services* or *individual on-site water* and *individual on-site sewage services* are used.
- 3.1.1.5 Provide an increased range and mix of *affordable housing options*, including a variety of densities by structure type and tenure (ownership and rental) to accommodate a changing, diverse population base of all backgrounds, ages and incomes, in keeping with high-quality urban design standards while maintaining the Town's small-town charm.
- 3.1.1.6 Provide an increased mix of smaller, modest, and *affordable* residential units, encouraging new long-term housing for more non-family households, especially the young and elderly, recognizing a shifting cultural and demographic trends.
- 3.1.1.7 Provide an increased mix of *medium-density residential* and *high-density residential*, multi-unit residential buildings to support aging in place, multiple-family households, and various ownership models, recognizing a shifting cultural and demographic trend.

3.1.1.8 To encourage infill and intensification with regard to Policy 2.2.2.2, the Town should:

- a) Prioritize planning and investment for infrastructure and public service facilities in strategic growth areas;
- b) Identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas;
- c) Permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form;
- d) Consider a student housing strategy when planning for strategic growth areas; and

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e) support redevelopment of commercially-designated retail lands (e.g., underutilized shopping malls and plazas), to support mixed-use residential.

- 3.1.1.9 Ensure cost-effective *development* and land use patterns and require *development* to demonstrate the fiscal management of growth-related costs.
- 3.1.1.10 Provide the *infrastructure* required to accommodate growth in an environmentally and fiscally responsible manner.
- 3.1.1.11 Ensure sustainable growth enhances the unique attributes of the community, cultural heritage resources, the *natural environment system*, and the *Agricultural system*, and minimizes rural-urban and land-use *compatibility* conflicts.
- 3.1.1.12 Provide Town residents with convenient access to *institutional* and commercial uses, *public service facilities*, amenities, and services to maintain a *complete community* including a framework to increase the mix of uses in neighbourhoods and access to mobility options.
- 3.1.1.13 Provide a full range of employment types and job opportunities in urban and *rural area* and ensure employment density targets are met.
- 3.1.1.14 Support a multi-modal transportation network and efficient public transit that links the Town to the rest of the Region.
- 3.1.1.15 Reduce overall energy demand with an integrated approach to planning.
- 3.1.1.16 Promote protection and enhancement of the Town's *natural environment system*.
- 3.1.1.17 Promote the protection and/or conservation of water, energy, air quality and cultural heritage resources.
- 3.1.1.18 Support *active transportation*.

## **3.2 How and Where to Grow**

The Town of Pelham includes urban and agricultural/rural communities. The key objective of lands within the agricultural/rural areas of the Town is to protect agricultural land, resources and the natural environment while encouraging economic and cultural activities that support the health and prosperity of agricultural/rural communities. A key objective of the settlement area is to direct growth where there is planned and existing *infrastructure* in a manner that supports the principles of complete communities.

Complete communities include various land uses that provide opportunities to live, shop and work in the same community.

### **3.2.21 Settlement Areas**

- 3.2.21.1 The *settlement areas (designated growth areas)* include the *settlement areas* of Fonthill and Fenwick. These lands are anticipated to accommodate most of the future residential and non-residential growth to 2051. These *settlement areas* currently have existing or the potential for future planned complete municipal services, lands which are *designated and available* for urban *development*, a concentration of public service facilities and a range of land uses.
- 3.2.21.2 Opportunity for growth in these *settlement areas* without existing full municipal servicing or allocation is considered longer-term and would be dependent on future servicing improvements and in keeping with the Town's Servicing Master Plan.
- 3.2.21.3 *Intensification* and infill, including *additional residential units*, will be encouraged within the *settlement area's* established neighbourhoods and through *redevelopment* in transitional regions adjacent to Downtown.
- 3.2.21.4 The Town has a robust supply of potential residential *development* in the planning approvals process and can always accommodate residential growth for a minimum of 15 years through *designated and available* lands for residential *development*.
- 3.2.21.5 A coordinated, integrated, and comprehensive approach using the minimum intensification and density targets of this Plan should be used for the planning, *development* and management of infrastructure within the Town, across other local municipal boundaries and with the Region of Niagara and other orders of government, agencies and boards.

### **3.2.22 Agricultural/Rural Areas**

- 3.2.22.1 The agricultural land base consists of rural areas, which can include prime agricultural land, rural settlement areas, natural heritage features and areas and resource areas.
- 3.2.22.1 A limited amount of growth, up to 20% of the forecasted growth allocation, will occur in the Town's rural settlement areas. In rural areas, rural settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

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~~3.2.2.2~~ When directing development to *rural areas* in accordance with policy 2.3 of the Provincial Planning Statement, the Town shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels. Further, growth and development may be directed to *rural areas* in accordance with policy 2.6 of the Provincial Planning Statement and Section 9 of this Plan.

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~~3.2.1.2~~ The *rural area* can accommodate forecasted growth to promote the efficient use and optimization of existing municipal sewage and municipal water services, private communal sewage services, and private communal water services.

~~3.2.1.3~~ The Rural Settlement designation is comprised of areas that support the health and prosperity of the rural regions by providing designated areas for non-farm uses such as economic and cultural activities and limited residential growth.

~~3.2.1.4~~ The agricultural designation consists of specialty and prime agriculture areas to be protected from large-scale urban development. A key objective of the *agricultural system* is to preserve agricultural land, natural resources, and natural heritage features and areas.

### 3.3 Managing Population and Employment Growth

#### 3.3.1 Objectives

3.3.1.1 Manage future population and employment growth by integrating land use planning with long-term planning and fiscal management of *infrastructure*, public service facilities and service delivery throughout the Town.

3.3.1.2 The Town shall plan to accommodate a population allocation of 28,830 persons and an employment allocation of 7,140 jobs as the basis for planning and managing growth to 2051;

a) that promotes the efficient use and optimization of existing municipal water and wastewater systems and private communal water and wastewater systems.

3.3.1.3 Determining future transportation requirements, municipal water and wastewater servicing allocation needs, and planning to deliver public service facilities and programs.

3.3.1.4 The Town may also undergo planning beyond the horizon of this Plan for *infrastructure*, employment, and public service facilities.

3.3.1.5 Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:

- a) Are financially viable over their life cycle, which may be demonstrated through asset management planning;
- b) Leverage the capacity of development proponents, where appropriate; and
- c) Are available to meet current and projected needs.

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3.3.1.6 Where there are large-scale *development* proposals, and there is sufficient capacity for connection requests to *municipal water services and municipal sewage services* from partial or private services within the *Settlement areas*, the Town shall determine if a Secondary Plan is required.

3.3.1.7 Direct the majority of future residential and employment growth within the Town to the built-up and *designated growth areas* within the *Settlement area* boundaries.

### **3.3.2 Built-up area, New Development and General Intensification**

3.3.2.1 To ensure *development* proceeds by the objectives of Section 3.1 and to achieve the *intensification* targets of this Plan, a minimum of 25% of new residential and employment growth will be accommodated within the *built-up area* through new *development, intensification and redevelopment*.

3.3.2.2 The *built-up area* has been delineated per the Province and consists of lands within the *Settlement area* boundaries of Fonthill and Fenwick.

3.3.2.3 Within the Town's *built-up area*, new *development* will be planned and designed to:

- a) ensure new *development* should be designed to promote energy conservation, alternative and/or *renewable energy systems* and water conservation;
- b) create street configurations, densities and an urban form that supports walking, cycling, integration and sustained viability of transit services;
- c) provide diverse land uses, including residential and employment, to support vibrant neighbourhoods;

- d) create high-quality public spaces with site design and urban design standards that support walking, cycling and transit opportunities;
- e) promote, where appropriate through secondary planning, the *development* of identifiable, pedestrian-oriented neighbourhood scale *developments* through the use of medium and high-density, street-related built forms that contain a mix of commercial, residential and employment uses, as well as supporting live/work opportunities. These areas will be designed around active public spaces and streets and pedestrian access that is well-linked to the surrounding neighbourhood through walking, cycling and public transit; and
- f) develop and implement policies, including phasing policies and other strategies, to achieve this plan's *intensification* and density targets.

3.3.2.4 Within the Town's *built-up area*, the following general *intensification* policies shall apply:

- a) The town will promote and facilitate *intensification* throughout the *built-up area*.
- b) vacant or underutilized lots, and *brownfield sites* will be revitalized by promoting infill *development*, *redevelopment*, and expansions or *conversions* of existing buildings.
- c) the town will plan and provide a diverse and *compatible* mix of land uses, including residential and employment, to support vibrant communities.
- d) a range and mix of housing will be planned, considering *affordable* housing needs and encouraging the creation of additional residential dwelling units.
- e) *intensification* will be encouraged to achieve higher densities than the surrounding areas while achieving an appropriate built-form transition to adjacent areas and maintaining land use *compatibility*.
- f) the town will plan for high-quality public open space with site design and urban design standards that create attractive and vibrant spaces.
- g) *development* will support transit, walking, cycling and other forms of *active transportation* for everyday activities.
- h) the town will identify the appropriate type and scale of *development* within *intensification* areas and facilitate infill *development* where

appropriate.

### **3.3.3 Residential Intensification**

- 3.3.3.1 The Town will support all types of *residential intensification*, including converting existing commercial and *institutional* buildings for residential use, developing and introducing new *housing options* within previously developed areas, and *redevelopment*, resulting in a net increase in residential units.
- 3.3.3.2 Per provincial and regional policies, the town will accommodate at least 40% of projected housing growth annually within the existing *built-up area*, as illustrated in the Land Use Schedules A2 and A3 of this plan.
- 3.3.3.3 In reviewing *intensification* proposals, the Town will assess their density relative to the character of the surrounding neighbourhood and shall consider how the site and building design of the proposal and issues such as landscaping, traffic, servicing, and parking have been addressed to integrate the *development* with the character of the existing neighbourhood and reduce impacts on adjacent properties.
- 3.3.3.4 *Intensification* opportunities will be encouraged if proponents demonstrate to the satisfaction of the Town, through the provision of detailed site plans and elevation plans, that such proposals will be respectful of, *compatible* with, and designed to integrate with the existing character of the community or neighbourhood where they are proposed.
- 3.3.3.5 *Intensification developments* will be characterized by quality design and landscaping, implementation of suitable building setbacks to preserve the neighbourhood's existing character, meeting current parking standards, and improving traffic movements to not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character.
- 3.3.3.6 The creation of new freehold infill lots or vacant condominium *developments* through the consent process or condominium process for ground-oriented units may be permitted, provided the proposed lot and unit type and building height are similar to and *compatible* with the established character of the street or neighbourhood where it is suggested.
- 3.3.3.7 All *residential intensification* over 10 units ~~shall~~ may be subject to site plan control by the applicable policies of this Plan. Exceptions may apply to areas prescribed through Ontario Regulation 254/23, as amended.

### **3.3.4 Settlement Area Boundary Expansions**

3.3.4.1 The Region of Niagara Official Plan identified two *settlement area* Boundary expansion areas identified on Schedule A.

3.3.4.2 These two *settlement area* boundary expansion areas will undergo a Secondary Plan process before being eligible for *development*.

### 3.3.5 Employment

~~The Town shall promote economic *development* and competitiveness and ensure an adequate land supply for various employment uses to accommodate the employment growth forecast of a minimum of 7,140 jobs by the year 2051.~~

The Town shall promote economic development and competitiveness and ensure an adequate supply of land for a variety of employment uses to support a forecasted growth of at least 7,140 jobs by 2051. The Town shall provide sufficient land to accommodate an appropriate range and mix of uses to meet projected needs over a planning horizon of no less than 20 years and no more than 30 years, in accordance with provincial guidance.

Planning for infrastructure, public service facilities, strategic growth areas, and employment lands may extend beyond this horizon. Where the Minister of Municipal Affairs and Housing has issued a zoning order, the resulting development potential shall be considered in addition to the forecasted needs within the established planning horizon. This additional growth shall be incorporated into the Town's next Official Plan update and reflected in related infrastructure and servicing plans.

~~3.3.5.1 The Town shall plan for, protect and provide employment areas for current and future uses and ensure that necessary *infrastructure* is provided to support current and projected needs to the Plan horizon and beyond.~~

~~3.3.5.2 Provide opportunities for a diversified economic base, including maintaining a range and choosing suitable employment sites that support a wide range of financial activities and ancillary uses and consider the needs of existing and future businesses.~~

~~3.3.5.3 Direct most employment growth to the *settlement areas* through *development* in the *built-up area* and the intensification of existing *development*.~~

~~3.3.5.4 Support employment uses and investment in lands outside the *settlement area* through promotion and investment in the agricultural sector and small-scale dry industrial uses along Webber Road near the Airport.~~

~~3.3.5.5~~ Employment lands within the *settlement area* will be planned to achieve the overall density target over the long term. These lands will be designated to permit a range and mix of uses that support employment growth.

~~3.3.5.6~~ Employment uses that generate low job densities are generally encouraged to be located on appropriately designated lands within the town's *built-up area* with convenient access to transportation routes.

3.3.5.1 The Town shall plan for, protect and preserve employment areas for current and future uses, and ensure that necessary infrastructure is provided to support current and projected needs.

3.3.5.2 Through an employment lands study, the Town shall designate, protect and plan for all employment areas within the settlement areas by:

a) Planning for employment area uses over the long-term that require those locations, including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;

b) Prohibiting residential uses, commercial uses, public service facilities and other institutional uses;

c) Prohibiting retail and office uses that are not associated with the primary employment use;

d) Prohibiting other sensitive land uses that are not ancillary to uses permitted in the employment area; and

e) Including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and economic viability.

3.3.5.3 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

3.3.5.4 Where avoidance is not possible in accordance with policy 3.3.5.3, the Town shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized

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and mitigated in accordance with provincial guidelines, standards and procedures.

3.3.5.5 In addition to policies 3.3.5.3 and 3.3.5.4, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.

3.3.5.6 Smaller-scale employment uses can be supported outside of the settlement area, provided they remain outside the *prime agricultural areas* and *specialty crop areas*.

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## 3.4 Building a Complete Community

Ensuring the Town of Pelham is a strong, resilient, and inclusive community is a key objective of this Plan. The growth and *development* of our communities must consider the needs of all residents, encouraging incremental change that improves function, community character, equity, and the provision of basic needs for daily living. How the various elements of a community are organized and the impacts these elements have on the community as a whole need to be comprehensively evaluated and understood as part of the *development* process.

Planning for a *complete community* is focused on achieving a well-designed, compact, vibrant Town that provides convenient access to an appropriate mix of employment opportunities, a full range of *housing options*, including *affordable housing options*, and the public *infrastructure* and local services to support a growing population.

This Plan also recognizes that the agricultural areas of the Town, particularly the Speciality Crop Area, are an important component of its character. The policies of this Plan will continue to support, protect, and enhance these areas so that they continue to serve an important role locally and as part of the greater regional economy.

### 3.4.1 Housing Supply

The Town of Pelham encourages a mix and range of housing types, styles and tenures designed for various ages, backgrounds, cultures and incomes to meet the needs of a growing and prosperous community.

The Town will encourage a range and mix of *housing options* across all neighbourhoods, in *low-density residential*, *medium-density residential*, and *high-density residential developments*; providing the broadest range of price, occupancy, and tenure is a key objective of the *complete community's* framework and policies of this Plan. This Plan emphasizes the *compatibility* of built form and provision of diverse *housing options* rather than focusing on dwelling typologies and unit counts. Housing is encouraged in

detached and attached unit types, often in the form of ground-oriented units. Housing *development* standards shall form part of the implementing Zoning By-Law and applicable Town guidelines.

This Plan intends to ensure that *development* and *redevelopment* of housing occur in appropriate locations in an orderly, efficient, and sustainable manner, aligning with *infrastructure* capacity, public services, and the financial capability of the Town according to the policies of this Plan. This Plan also intends to provide opportunities for monitoring and adjusting town housing policies due to changes in the market, community needs, or similar matters that seek to address removing barriers to housing. The policies of this section shall apply to the *development* or *redevelopment* of housing within any designations that permit residential or accessory uses.

- 3.4.1.1 Appropriate water and sanitary sewage systems shall be provided to satisfy the approval authority having jurisdiction.
- 3.4.1.2 The Town shall encourage innovative and *compatible* housing *development* that exhibits sustainable and high design standards in *compact built form*, which may represent non-traditional additions to the Town’s housing stock.
- 3.4.1.3 In addition to the policies of this Plan, the Town shall develop flexible zoning and other implementation standards that permit a range and mix of housing forms, types, sizes, and tenures to help eliminate barriers to housing, specifically *affordable* housing and *additional needs housing*.
- 3.4.1.4 The *development* and *redevelopment* of housing shall be *compatible* and complimentary to adjacent uses and integrate historical attributes and characteristics of areas, when applicable, according to the relevant policies of this Plan.
- 3.4.1.5 Housing *development* and *redevelopment* shall be universally designed, ensuring equitable size, location, and type of units while providing a mix of household incomes, including market rent and *affordable* housing to meet community needs. Other uses that directly support housing *development* shall also be encouraged in accordance with this Section of the Plan.

### **3.4.2 Additional Residential Units within Settlement Areas**

- ~~3.4.2.1 The *additional residential unit* may qualify for severance from the principal dwelling provided it meets the policies for consent in the applicable land use designation of this Plan.~~
- ~~3.4.2.2 The *additional residential unit* shall only be permitted on properties of a size where the site conditions are suitable for the long-term provision of such~~

~~services with no negative impacts, as may be confirmed by a hydrogeological assessment prepared by a qualified professional.~~

- ~~3.4.2.3 — A maximum of three units (one principal unit and two additional residential units) shall be permitted within a rural settlement area. Where units exceeding three are proposed on a property within a rural settlement area, such development shall not be considered under the additional residential unit typology and policies.~~
- ~~3.4.2.4 — Where an additional residential unit is contemplated to be severed from the principal dwelling, such consent will not prevent the creation of a subsequent additional residential unit on the severed or retained lots.~~
- ~~3.4.2.5 — Where the additional residential unit(s) are in the form of a detached unit(s), the location, massing, and overall aesthetic should be considerate of the surrounding built characteristics, and the unit(s) should be secondary to the primary residential use.~~
- ~~3.4.2.6 — The preferred method of servicing an additional residential unit in the settlement areas is servicing infrastructure provided through the principal dwelling.~~
- ~~3.4.2.7 — An additional residential unit in rural settlement areas should utilize an existing well and septic or the same well and septic as the principal dwelling, wherever possible.~~
- ~~3.4.2.8 — Parking for an additional residential unit shall be provided on the property containing the additional residential unit, in addition to the required parking spaces for the principal dwelling. Any reduction in the required parking for either the primary unit or additional residential unit(s) will require approval through a Zoning By-law Amendment.~~
- ~~3.4.2.9 — An additional residential unit shall ensure safe and unobstructed access from the municipal right-of-way to the satisfaction of the Town of Pelham's Emergency Services providers.~~
- ~~3.4.2.10 — When questions arise about determining which residential unit is the principal unit, the principal unit shall have the most significant building envelope.~~

Additional Residential Units (ARUs) are recognized as an important housing option within settlement areas that can provide affordable, accessible and flexible living opportunities for a range of household types, including seniors, students, low- and moderate-income households, and multi-generational families. ARUs support efficient use of existing

housing stock, optimize use of infrastructure, and contribute to a diverse housing supply within the community

3.4.2.1 ARUs shall be permitted within settlement areas on lands designated for residential use, provided that the lot is serviced by municipal water and wastewater systems, unless otherwise supported by technical justification.

3.4.2.2 ARUs may be located:

- a) Within the primary residential building (e.g., basement or attic unit);
- b) Attached to the primary residential building; or
- c) In a detached accessory structure on the same lot (e.g., detached garage).

3.4.2.3 ARUs shall be required to comply with all applicable Federal, Provincial and Municipal statutes, regulations and standards, including but not limited to: the Ontario Building Code, Ontario Fire Code, and the Town of Pelham Comprehensive Zoning By-law and Property Standards By-laws.

3.4.2.4 The Town of Pelham Comprehensive Zoning By-law shall establish implementing standards for ARUs, including, where applicable and appropriate, lot coverage, maximum size, setbacks, access, parking and servicing and any other applicable regulations, consistent with provincial standards and local context.

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### **3.4.3 Additional Residential Units Outside of Settlement Areas**

~~3.4.3.1 The *additional residential unit* shall only be permitted on properties of a size where the site conditions are suitable for the long-term provision of such services with no *negative impacts*, as may be confirmed by a hydrogeological assessment prepared by a qualified professional.~~

~~3.4.3.2 The *additional residential unit* shall be located close to the principal dwelling unit, which may include being located within an existing farm building cluster to cluster existing residential units and prevent further *negative impacts* on surrounding farming operations.~~

~~3.4.3.3 — An *additional residential unit* shall leverage the same well and septic services as the principal dwelling on the property.~~

~~3.4.3.4 — Parking for an *additional residential unit* should be provided on the property containing the *additional residential unit* and the required parking spaces for the principal dwelling. Any reduction in the required parking for either the primary unit or *additional residential unit(s)* will be required to seek approval through a Zoning By-law Amendment.~~

~~3.4.3.5 — An *additional residential unit* shall ensure safe and unobstructed access from the municipal right-of-way to the satisfaction of the Town of Pelham's Emergency Services providers.~~

~~3.4.3.6 — Where the *additional residential unit(s)* are in the form of a detached unit(s), the following shall apply:~~

~~a) — the total *development* area of the residential unit(s) shall be limited in area, including the associated *additional residential unit(s)* and any attributed accessory structures, septic, well, landscaped open space, parking, additional driveway area and *site alteration*;~~

~~b) — the *additional residential unit(s)* shall not have a negative impact on the ability of surrounding farming operations to expand. In this regard, the unit shall comply with the *minimum distance separation* formulae and shall be located no closer to neighbouring livestock than the existing principal dwelling unit;~~

~~c) — the *additional residential unit(s)* shall use the same driveway entrance from the municipal right-of-way as the primary dwelling unit; and~~

~~d) — the *additional residential unit(s)* shall be located within an existing building cluster of the lot or, where no building cluster exists, no further from the principal dwelling than the minimum frontage requirement for the property.~~

~~3.4.3.7 — When questions arise about determining which residential unit is the principal unit, it shall have the most *significant* building envelope.~~

~~3.4.3.8 — Where an additional residential unit is within an accessory building, the accessory building must be secondary in size and scale to the principal residential building.~~

~~3.4.3.9 — An accessory building containing an additional residential unit may not be severed from the lot accommodating the principal residential building. In no~~

~~case shall an *additional residential unit* be considered a residence surplus to a farm operation.~~

~~3.4.3.1 Where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that, where two additional residential units are proposed, at least one of these additional residential units is located within or attached to the principal dwelling, and any additional residential units:~~

- ~~a) Comply with the minimum distance separation formulae;~~
- ~~b) Are compatible with, and would not hinder, surrounding agricultural operations;~~
- ~~c) Have appropriate sewage and water services;~~
- ~~d) Address any public health and safety concerns;~~
- ~~e) Are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and~~
- ~~f) minimize land taken out of agricultural production. Lots with additional residential units may only be severed in accordance with policy 4.3.3.1.c).~~

~~3.4.3.2 In addition to the policies of Section 3.4.3.1, within the Protected Countryside of the Greenbelt Plan, but outside of the natural heritage system as identified in the Greenbelt Plan, one additional residential unit is permitted within a single detached dwelling, or in an accessory building that existed on (or building permits were issued) before July 1, 2017.~~

#### ~~3.4.4 Additional Residential Units in the Greenbelt Plan Area~~

~~In addition to the policies in Section 3.4.3 above, the following guidelines shall apply to lands within the Greenbelt Plan area.~~

~~3.4.4.1 Notwithstanding section 3.4.3, within the Protected Countryside of the Greenbelt Plan, but outside of the *natural heritage system* as identified in the Greenbelt Plan, one additional residential unit is only permitted within either a single detached dwelling or an accessory building that existed on (or building permits were issued before) December 6, 2004.~~

#### **3.4.5 Affordable Housing**

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This plan, by its objectives and policies, intends to encourage multiple residential unit *development* in various forms as *affordable housing options* wherever *compatible* and feasible.

3.4.5.1 The Town will support “missing middle” housing *development* through low-rise and medium-rise residential *developments*, which maintain the neighbourhood character and contribute to a diversified housing stock.

~~3.4.5.2 To encourage the development of *affordable* housing, the following minimum targets will be implemented to the horizon of this Plan:~~

~~a) 20% of all new rental housing is to be *affordable*; and~~

~~b) 10% of all new ownership housing is to be *affordable*.~~

3.4.5.23 To maintain and enhance a healthy and *complete community*, the Town will make provisions for an adequate range of housing types and affordability options by:

~~a) Establishing and implementing minimum housing targets for the provision of housing that is *affordable* to low and moderate income households, in consultation with Niagara Regional Housing; and~~

~~b) permitting and facilitating all forms of housing required to meet social, health and well-being requirements, including special needs requirements of current and future residents.~~

~~a) Work with the Regional Service Provider to develop a local housing strategy that:~~

~~i) identifies land use planning tools and other housing initiatives, and programs, that support housing needs within the Town;~~

~~ii) establishes *affordable* housing targets that contribute to achieving targets outlined in Policy 2.3.2.3; and~~

~~iii) identifies performance indicators that monitor the achievement towards the strategy’s targets and objectives.~~

3.4.5.34 Additional and *accessory residential units* shall be incidental to the principal use of the property. In the case of an *accessory residential unit*, this shall mean incidental to a permitted on-residential use.

3.4.5.45 *Affordable* housing should be located:

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- a) in areas with existing services or planned municipal water and wastewater services/systems and urban amenities;
- b) near existing or planned transit; and
- c) near public service facilities.

3.4.5.65 The Town will work towards streamlining planning approvals for *affordable housing development*, prioritizing *developments* receiving time-sensitive government funding.

3.4.5.67 The Town will encourage financial incentive programs, such as grants, *development* charge deferrals and property tax reductions that promote brownfield *redevelopment* and *affordable housing options*, including purpose-built rental housing.

3.4.5.78 The Town will examine opportunities for demolition control and residential replacement by-laws that would prohibit the demolition of existing rental units without replacing them with the same or a higher number of units.

~~3.4.5.8 In consultation with Regional Niagara Housing, develop a housing strategy that:~~

- ~~a) identifies land use planning tools and other housing initiatives and programs, including those listed in this Section, that support housing needs within the municipality;~~
- ~~b) establishes affordable housing targets that contribute to achieving targets outlined in the Region's Housing and Homelessness Action Plan; and~~
- ~~c) identify performance indicators that monitor achieving the strategy's targets and objectives.~~

### 3.4.6 The Preservation of Housing

This plan aims to increase the town's *affordable* housing and *affordable* housing stock. Protecting existing *affordable* housing and *affordable* housing stock is a key objective of this plan to ensure the Town meets the goals within the Region of Niagara's Housing and Homelessness Action Plan and the growing community need.

Attention is directed to the needs of those households with the lowest 40 percent income levels and other vulnerable groups within the community.

~~3.4.6.1 The Town's existing housing stock represents a significant affordable housing component. When it is not required for intensification efforts, the housing should be maintained and updated to reflect current building standards and energy conservation efforts to promote its retention.~~

3.4.6.21 The Town will use the provisions of the Town's Property Standards By-law under the *Municipal Act* and Demolition Control provisions under the *Planning Act* to protect and promote the continued useful life of existing housing.

3.4.6.32 Conversion of affordable housing rental units to another tenure should only be considered when:

- a) the rental vacancy rate for the community has been at or above 3 percent for two consecutive surveys as reported by the Canada Mortgage and Housing Corporation (CMHC) Rental Housing Market Survey;
- b) the approval of such conversion does not result in the reduction of the vacancy rate below 3 percent, and
- c) the requirements of any applicable Provincial legislation or regulations are met.

3.4.6.43 The conversion of rental housing to condominium or ownership tenure that would have the effect of removing affordable units should not be permitted unless:

- a) at least the same number, size, affordability and type of rental housing units are replaced and maintained with rents like those in effect at the time the development, redevelopment, or conversion application was made;
- b) an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship; or
- c) the overall rental vacancy rate for the Town (or the Region of Niagara if data is unavailable for the Town), as reported by the Canada Mortgage and Housing Corporation, has been at or above 3.0 percent for the preceding four consecutive annual surveys.

3.4.6.54 To ensure that the existing supply of rental housing in the Town is maintained or increased, the Town will:

- a) maintain a record of purpose-built rental buildings of six or more units; and
- b) develop an implementation process and criteria to monitor the demolition or *conversion* of purpose-built rental properties of six or more units.

3.4.6.6-5 When reviewing a *development* application to create a plan of condominium, which would result in the *conversion* of *affordable* housing rental units to condominium ownership, the Town shall only support such application where:

- a) the rental vacancy rate for comparable units is at or above 3% for the preceding three years or
- b) the *conversion* will address and result in the creation of *affordable* housing for *affordable* home ownership or
- c) the *conversion* will rectify existing health and safety issues through the completion of building renovations/retrofits, the cost of which would necessitate an increase in rent levels above the affordability threshold and
- d) The owner/applicant submits a detailed inspection report on the property's physical condition by a qualified architect or engineer to the town's satisfaction.

### 3.4.7 Climate Change

The Town of Pelham is experiencing the impacts of the changing climate. Weather in the Town has become warmer and wetter, with more extreme weather events such as extreme heat days and precipitation events causing flooding and wind events that have led to fallen trees and power failures. The Town has also dealt with reoccurring spongy moth (LDD moth) infestations and an increase in invasive species infestations. These effects of *climate change* have *significant* human and environmental costs, disproportionately impacting vulnerable populations and increasing financial risks to households, businesses and governments.

Land use planning is *essential* for mitigating and adapting to *climate change* to reduce human, environmental and financial risks. Addressing *climate change* requires two complementary sets of strategies: mitigation and adaptation. Mitigation refers to reducing sources of greenhouse gas emissions, such as burning fossil fuels for electricity or enhancing carbon 'sinks' that store these gases. The Town's approach to mitigation

is embedded throughout this Plan through policies within the *Natural Environment System*, transportation, urban structure, urban design and land use.

Adaptation involves actions to minimize vulnerabilities to the impacts of *climate change*. It includes planning and strategic decisions that anticipate changes in temperature, precipitation, severe weather, and increased global and local variability. The Town's approach to adaptation is reflected in the Corporate *Climate change* Adaptation Plan and embedded throughout this Plan. Among other issues, climate adaptation is *significant* to *infrastructure* planning, flood protection, emergency management and planning for secure access to water and food.

- 3.4.7.1 The Town shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through sustainable, long-term and tangible approaches. The general objectives of the Town include:
- a) to increase community resiliency to *climate change*;
  - b) to identify land use planning policy direction that supports the Region's goals for transition to net-zero, climate-resilient communities; and
  - c) to support and improve policy direction that reflects the goals and actions of the Town's Corporate *Climate Change* Adaptation Plan.
- 3.4.7.2 The Town will implement urban design and *development* standards to reduce *climate change* impacts on public works and *infrastructure*, including roads, bridges, water, wastewater, stormwater and energy distribution systems.
- 3.4.7.3 The Town will promote *development* and land use patterns that conserve biodiversity and consider the impacts of a changing climate.
- 3.4.7.4 The Town will grow as a sustainable community over the long term by utilizing planning and capital investment tools, as well as urban design approaches, in its strategic planning for *infrastructure* and approval of *development* by:
- a) promoting an efficient, cost-effective land use pattern as well as built forms which conserve land, capitalize on existing *infrastructure*, and minimize the cost of new *infrastructure*;
  - b) avoiding *development* or land use patterns which may create environmental, public health or safety concerns;
  - c) recognizing, protecting and, where possible, enhancing natural heritage features and their ecological and *hydrologic functions*;

- d) planning for increased densities and a great mixture of uses to create a more efficient, *total developable area*, walkable and bikeable community;
- e) promoting zero or low carbon and energy efficient built forms, where appropriate and the use of renewable energy;
- f) providing increased mobility options that promote walking, cycling and transit to reduce dependence on automobiles and improve air quality; and
- g) protecting water quality and quantity, including promoting best practices for stormwater management and low-impact *development*.
- h) providing opportunities for the *development* of energy supply including electricity generation facilities and transmission and distribution systems, *energy storage systems*, district energy, *renewable energy systems*, and *alternative energy systems*, to accommodate current and projected needs.

3.4.7.5 New planning, engineering and conservation concepts must be considered and incorporated, mainly related to *climate change*, energy conservation and *green infrastructure*. This shall be achieved through:

- a) the implementation of strategies or initiatives related to water conservation, energy conservation, air quality protection and integrated waste management opportunities;
- b) Identify opportunities for energy efficiency and alternative energy strategies, such as district energy generation, renewable/*alternative energy systems*, distribution and demand management plans, land use patterns, and urban design standards, to support energy conservation objectives.
- c) promoting innovative residential and public building designs that contribute to low carbon design, energy use reduction and natural resource conservation, as well as collaborations between buildings and site management practices; and
- d) *Green infrastructure* should be prioritized to complement existing *infrastructure*, including the requirement for innovative, low-impact *development* opportunities and best practices that minimize the risks associated with natural hazards.

- 3.4.7.6 To encourage energy conservation, energy-efficient practices and sustainable design, the Town will work with the Niagara Region to develop a Community Energy Plan and/or Green *Development* Standards at the Region's initiative.
- 3.4.7.7 The Town will develop and implement policies and other strategies in support of the following conservation objectives:
- a) water conservation, including water demand management for the efficient use of water and water recycling to maximize the reuse and recycling of water;
  - b) a sustainable groundwater supply and wastewater system that ensures water quality and quantity are protected, improved or restored;
  - c) energy conservation;
  - d) protection of air quality, including the reduction of emissions;
  - e) support for integrated waste management as part of the *development* review process to enhance waste reduction, composting and recycling and the identification of new opportunities for source reduction, reuse and diversion where appropriate; and
  - f) conserve cultural heritage and *archaeological resources* where feasible.
- 3.4.7.8 The Town will reduce energy consumption and promote renewable and *alternative energy systems* by developing policies and programs for:
- a) implementing energy conservation for municipally owned facilities;
  - b) identifying and implementing opportunities for renewable and alternative energy generation and distribution;
  - c) developing and implementing energy demand management to reduce energy consumption;
  - d) establishing land use patterns and urban design standards that encourage and support energy-efficient buildings; and
  - e) conserving energy by encouraging renovation and efficient design of buildings and *development*.
- 3.4.7.9 The Town will leverage the objectives and goals of the Town of Pelham Natural Asset Management Project to balance ecological and environmental

considerations with economic and social considerations in its decision-making processes.

~~3.4.7.10 Subject to Provincial requirements, the Town will ensure new or expanding renewable energy generation facilities will be designed to take into consideration safety, compatibility with surrounding uses and mitigation of adverse impacts through good design and construction principles.~~

3.4.7.11-10 Wind energy systems and associated distribution infrastructure shall be located, designed, and constructed to eliminate or minimize adverse impacts on the agricultural system, agricultural operations, lands, and activities; significant natural heritage features; existing mineral aggregate operations; and cultural and built heritage resources.

3.4.7.12-11 Wind energy systems shall be designed and constructed to be appropriately buffered and/or separated from sensitive land uses to prevent adverse effects and to minimize the risk to public health and safety.

3.4.7.13-12 Wind energy systems are generally permitted throughout the Town subject to applicable municipal criteria, Provincial plan policies, and policies set out in this Plan, except ~~large-scale~~that large-scale wind energy systems will require an Official Plan Amendment.

3.4.7.14-13 Application for wind energy *development* should comply with Section 11 for Complete Applications and the following:

- a) a justification/impact report that demonstrates:
  - i) the need for, and public benefit of, locating the proposed generating capacity in these areas;
  - ii) an assessment of impacts on ~~agricultural operations, lands and activities~~, natural heritage features, nearby residences and other sensitive land uses in the area; ~~and~~

~~iii) the means of minimizing any adverse impacts.~~

~~iii) impacts from any new or expanding non-agricultural uses on the agricultural system are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and~~

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iv) the means of minimizing any adverse effects.

~~b) a visual impact assessment;~~

c) a noise report demonstrating compliance with Provincial requirements;  
and

~~d) a report demonstrating compliance with Provincial shadow flicker  
guidelines.~~

3.4.7.15 The *development* of new or expanded wind energy systems within an area regulated under the Niagara Escarpment Planning and *Development* Act will be subject to the provisions of the Niagara Escarpment Plan. The policies of this Plan will be the basis for providing municipal comments to the Niagara Escarpment Commission during the review of wind energy system applications.

3.4.7.16 The *development* of new wind energy systems in areas adjacent to or on known deposits of aggregate, mineral or petroleum resources shall be permitted where it has been demonstrated that the energy system serves a greater long-term public interest during the lifetime of the wind energy system and does not compromise the future extraction of the aggregate, mineral or petroleum resources.

3.4.7.17 The *development* of wind energy systems shall be prohibited where they may cause a potential aviation safety hazard as determined by Transport Canada or the appropriate agency

### **3.4.8 Cultural Heritage Resources**

Cultural heritage resources are the roots of the community. They may include tangible features, structures, sites or landscapes that, either individually or as a part of a whole, are of historical, architectural, scenic or archaeological value. Cultural heritage resources may also represent intangible heritage such as customs, ways of life, values and activities. These resources may represent local, regional, provincial or national heritage interests and values. They may include *built heritage resources, cultural heritage landscapes* ~~and, archaeological resources and areas of archeological potential.~~

In the spirit of reconciliation and building meaningful relationships with Indigenous communities based on mutual respect, transparency, trust, and dialogue, the Town of Pelham supports the stewardship of cultural heritage through opportunities for traditional knowledge and practices, cultural activities, the creation of spaces for Indigenous art and interpretations and signs identifying areas of cultural significance. Preserving Indigenous cultural and built heritage, including places and

stories significant to Indigenous Nations is an important part of the Town of Pelham's history.

Cultural heritage resources paint the history of the Town, providing identity and character while instilling pride and contributing to economic prosperity.

- 3.4.8.1 The Town of Pelham seeks to proactively identify, inventory, conserve, and protect its community character and cultural heritage through the ~~preservation-conservation~~ of cultural heritage resources throughout the Town. While the presence and significance of some cultural heritage resources have been identified and inventoried by the Town of Pelham, the presence and importance of others can only be determined after their documentation and evaluation. A key objective of this plan is to take a proactive approach to identifying, documenting and conserving cultural heritage resources.
- 3.4.8.2 The town may establish guidelines for ~~cultural heritage resource impact assessments~~ Heritage Impact Assessments, cultural heritage conservation plans, and cultural heritage reviews, which will be used when evaluating *development* and *redevelopment* in association with designated and non-designated properties in the Municipal Register of Cultural Heritage Properties. Cultural Heritage Reviews will assess non-designated properties listed on the Municipal Register of Cultural Heritage Properties.
- 3.4.8.3 The Town shall encourage the conservation of *significant built heritage resources* and *significant cultural heritage landscapes* to foster a sense of place and benefit communities, including First Nations and Indigenous communities. These may include archaeological sites, buildings, structures, streetscapes of historical and architectural value, and natural features.
- 3.4.8.4 *Cultural heritage landscapes* may be included within a heritage conservation district or designated as individual properties under Part IV of the *Ontario Heritage Act*. When a register of cultural heritage resources is completed, the register may be incorporated in this Plan.
- 3.4.8.5 The Town shall conserve cultural heritage resources by utilizing its authority under the *Ontario Heritage Act* to designate individual properties and heritage conservation districts of cultural heritage value or interest.
- 3.4.8.6 The Town may establish a municipal heritage committee to advise and assist the Council on Parts IV and V of the *Ontario Heritage Act*. The Town may also consult the Heritage Committee on issues related to cultural heritage conservation and identify properties that may warrant designation.

- 3.4.8.7 The Town will require a Heritage Impact Assessment to be conducted by a qualified professional whenever a *development* or other proposal has the potential to affect a cultural heritage resource.
- 3.4.8.8 Proposals to alter, demolish or erect a structure on any designated or listed property located on or adjacent to a selected or proposals to demolish a listed property or a property located within a Heritage Conservation District shall be subject to the preparation of a Heritage Impact Assessment that will be submitted to the Town for review and approval.
- 3.4.8.9 Where the Town has required a Heritage Impact Assessment, the resource(s) concerned will automatically receive temporary protection from alteration/demolition until the Assessment is completed to the satisfaction of the Town.
- 3.4.8.10 Where the Town requires a Heritage Impact Assessment, it shall be prepared on behalf of the proponent by a qualified professional approved by the Town. The Assessment shall:
- a) identify the *significant* and *specific heritage attributes* of the cultural heritage resource;
  - b) provide a site history and a description of the heritage resource;
  - c) describe the proposal;
  - d) identify the impacts the proposal will have on the heritage resource;
  - e) include recommendations on how the impacts of the proposal on the heritage resource will be mitigated;
  - f) where appropriate, establish a justification for demolition of the resource; and
  - g) the recommended design alternatives.
- 3.4.8.11 *Development* and *site alteration* shall not be permitted on *adjacent lands* to a *protected heritage property* except where the proposed *development* has been evaluated and it has been demonstrated that the *heritage attributes* of the heritage property will be *conserved*.
- 3.4.8.12 The Town may maintain a register of all properties designated under Part IV of the *Ontario Heritage Act*. This register may also contain properties not

designated but considered by the Council to be of cultural heritage value or interest.

- 3.4.8.13 The Town shall ensure cultural heritage resources are *conserved* and *areas of archaeological potential* as identified in the Town's Heritage Master Plan, viewed when undertaking municipal public works projects impacting municipally owned properties such as roads and *infrastructure* projects, carried out under the Municipal Class *Environmental assessment (EA)* process and/or the Niagara Region Archaeological Management Plan. When necessary, the Town will require heritage impact assessments or archaeological assessments and other satisfactory measures to mitigate any adverse impacts affecting the identified
- 3.4.8.14 The Town shall consider the interests of and engage early with First Nations and Indigenous and Aboriginal communities when identifying, protecting, managing and conserving built heritage resources and cultural heritage landscapes.
- 3.4.8.15 The Town shall ensure that each Town-owned cultural heritage resource where sold, transferred, or leased to another owner or lessee is subject to a heritage conservation easement agreement or covenant that guarantees its conservation, maintenance, and use in a manner which respects its cultural heritage value or interest and, when appropriate, is subject to a heritage restoration agreement which shall require that the new owner or lessee carry out specific restoration works to a standard acceptable to the Town.
- 3.4.8.16 Where potential *built heritage resources* have been identified on lands within *settlement areas* slated for future *development*, the conservation of *built heritage resources* shall occur early in the *development* process. Where the designation of a resource may not be feasible, the preferred methods for the preservation of the resource would be as follows, noting that the examples provided are not exhaustive:
- a) where the structure can no longer function with its original use, it should be integrated into the *development* through adaptive reuse. For example, an old farmhouse on properties designated for employment uses could be reused for supportive uses to the employment designation (such as an office or commercial space), or an old home on properties intended for *intensification* could be integrated into the design of the intensified site as a community space (such as an indoor park, art gallery or event space); and
  - b) Where the structure can no longer function in its original location, relocation to a location within the Town of Pelham will provide further community benefit and public access. For example, an old house could

be moved to a nearby park or property owned by the Town of Pelham for seasonal or recreational purposes.

- 3.4.8.17 Should the permitted uses of a property prevent the policies above from being implemented, the Town of Pelham will consider a reasonable and appropriate compromise to meet the overall objectives of this plan concerning cultural heritage conservation and land use *compatibility* and the overall objectives of a *development* proponent.
- 3.4.8.18 Where a property or structure with potential heritage value or interest is conveyed to the Town of Pelham, or where a structure is adapted, restored and/or integrated as part of a *development* to the satisfaction of the Town of Pelham with input from the Town of Pelham Municipal Heritage Committee, the Town may consider the reduction of fees or parking requirements or the bonusing of height for a proposed *development* under the same ownership. The Town of Pelham may consider the requirement for a designation under the *Ontario Heritage Act* as part of implementing this policy.

### 3.4.9 Archaeological Resources

- 3.4.9.1 The Town recognizes archaeological remnants of pre-contact and early historic habitation and ~~archaeological potential areas~~ *areas of archaeological potential*. The Niagara Region Archaeological Management Plan and the Town's ~~The~~ Heritage Master Plan (2012) identified lands that have the potential for the discovery of *archaeological resources*. The Town may identify additional areas based on the definition of *areas of archaeological potential* as defined in this Plan and in relevant provincial standards and guidelines as amended.
- 3.4.9.2 Where ~~archaeological resources or areas of potential~~ *archaeological resources areas of archeological potential* have been identified or have the potential to be present on lands proposed for *development* or *site alteration*, the Town shall require the preparation of an Archaeological Assessment by a consultant archaeologist holding a valid professional license as per Section 48 of the *Ontario Heritage Act*.
- 3.4.9.3 The Town of Pelham is dedicated to continuing to work with Indigenous communities as partners and friends now and into the future. Specifically, the Town recognizes the expertise and advice of First Nations regarding archaeological significance and the environmental protection of the community.
- 3.4.9.4 *Development* and *site alteration* shall only be permitted on lands containing

~~archaeological resources or areas of potential archaeological resources~~ areas of archeological potential if it has been demonstrated that the *significant archaeological resources* have been *conserved* by removal and documentation or by preservation on site. Where *significant archaeological resources* must be preserved on site, only *development* and *site alteration* which maintains the integrity of the archaeological resource may be permitted.

- 3.4.9.5 *Development* and *site alteration* shall not commence on lands containing *archaeological resources* or areas of ~~potential archaeological resources,~~ archeological potential until an Archaeological Assessment, prepared to the satisfaction of the Province and the Town, has been completed that:
- a) identifies the affected *areas of archaeological potential* and *archaeological resources*;
  - b) assesses the archaeological significance of the subject land;
  - c) recommends conservation and/or preservation measures required to retain the heritage value, attributes and integrity of the resource; and
  - d) meets the Standards and Guidelines for Consultant Archaeologists, as amended, of the *Ontario Heritage Act* and its regulations.
- 3.4.9.6 If there is potential for the presence of partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other sources on a property subject to a development application or proposed public works project, the Town shall require a marine archaeological assessment by a licensed archaeologist pursuant to the *Ontario Heritage Act*.
- 3.4.9.7 Archaeological assessments are required as part of Town of Pelham public works projects with ground disturbance and/or work on undisturbed ground in areas of archaeological potential.
- 3.4.9.8 Environmental Assessment projects undertaken by the Town will review the areas of archaeological potential on Schedule F and determine if archaeological assessments are required as part of the Environmental Assessment process. Where a project is within an area of archaeological potential, the archaeological assessment should be initiated as part of the study process.

- 3.4.9.9 Unexcavated archaeological sites and archaeological resources shall be protected against disturbance until all required archaeological assessments and requirements from the Province have been completed.
- 3.4.9.10 The Town and project proponents shall follow the emergency protocol for the unexpected discovery of archaeological resources as detailed in the Archaeological Management Plan. The protocol will be shared with project proponents, and community members for projects subject to archaeological conditions. A standard clause addressing the emergency protocols shall also be included in all draft plan approvals and *development* agreements.
- 3.4.9.11 The Town will support conservation of archaeological resources by reviewing municipal projects, whether or not they are subject to the *Environmental Assessment Act*, such as site alteration, *development* and/or infrastructure projects that involve construction, erection or placing of a building or structure, other activities such as site grading, excavation, removal of topsoil, or peat and the placing and dumping of fill; drainage works, except for the maintenance of existing municipal and agricultural drains, to determine impacts upon potential archaeological resources.

## Section 4: Protecting What is Valuable

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This part of the Plan addresses the features and resources that are highly valued and *essential* to ensure health and safety, enhance energy sustainability and enhance the quality of life within the Town and includes:

- Natural Environment System; and
- Public Health and Safety

### 4.1 Natural Environment System

A diverse and well-connected *Natural Environment System* (NES) contributes to the Town's environmental, social, cultural and economic values. The wide range of ecological services provided by the NES includes but is not limited to, the protection of *natural heritage features and areas, ecological functions*, biodiversity and water resources, reduced need for engineered stormwater management, attenuation of air and water pollutants, moderation of the urban heat island effect, the provision for natural and open spaces for leisure activities and aesthetic enjoyment and opportunities for residents and visitors to experience nature in the Town.

The NES is made up of *natural heritage features and areas* linked by natural corridors, which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems within the Town. The system can include lands that have been restored and areas with the potential to be restored to a natural state. This is accomplished by protecting *natural heritage features and areas* for the long term and maintaining, restoring and, where possible, improving the biodiversity and connectivity of *natural heritage features and areas* and *ecological functions* of the NES while recognizing and maintaining *linkages* between and among natural heritage and surface water and *ground water features*.

The Town of Pelham has a responsibility to the stewardship and protection of the land and water and seeks opportunities for partnerships and connections with First Nations.

Ongoing engagement with Indigenous communities will ensure that this Plan achieves environmental stewardship and recognizes traditional knowledge and significant protection of natural resources. The Town acknowledges the importance of protecting our water resources, green spaces, natural areas and wildlife to the health and vitality of Indigenous natural heritage.

The policies of Section 4 aim to strike a balance between protecting the NES and permitting limited *compatible development*. The NES fosters partnerships with public agencies, community organizations, and private landowners by promoting the stewardship and enjoyment of these natural assets.

#### 4.1.1 Natural Environment System Components

4.1.1.1 The Town's *Natural Environment System* (NES) is comprised of four separate but integrated components:

- a) the Town's *natural heritage system* (NHS) which comprises of features such as *wetlands, woodlands, valleylands, and wildlife habitats*, as well as components such as *linkages, buffers, supporting features, and enhancement areas*. The NHS intends to preserve and enhance the NES's biodiversity, connectivity and long-term *ecological function*;
- b) the *water resource system* (WRS) which includes groundwater and *surface water features* and areas. The WRS intends to protect the ecological and hydrological integrity of water resources and the various *watersheds* in the Town;
- c) the Greenbelt Plan Area and the *Greenbelt Plan Natural Heritage System* (GBNHS) which comprises of features such as *key hydrologic areas, key hydrologic features* and *key natural heritage features*. This system is mapped and issued by the Province of Ontario in accordance with the Greenbelt Plan; and
- d) the Niagara Escarpment Plan (NEP) which is a Provincial land use plan that is governed by the Niagara Escarpment Commission, the NEP prevails over any local Official Plan or Zoning By-law where conflicts occur between them.

4.1.1.2 The NHS, WRS, Greenbelt Plan Area and GBNHS and NEP are identified on Schedule B as an overlay. Together, these elements maintain local biological, hydrological, and geological diversity, ecological functions, and connectivity, support viable populations of Indigenous species, and sustain local biodiversity. They are known collectively as the NES.

4.1.1.3 Nothing in this Section, or this Plan is intended to limit the ability of **existing** *agricultural uses* to continue in areas that are the site of a *natural heritage feature or area*.

#### 4.1.2 Objectives

4.1.2.1 To implement a systems approach that ensures that the diversity and connectivity of natural features in the Town and the long-term *ecological function* and biodiversity of the NES are maintained, restored or, where possible, improved, recognizing *linkages* between and among *natural heritage features and areas* and surface water and *ground water features*.

- 4.1.2.2 Recognize the NES's important role in mitigating *climate change* impacts by protecting and enhancing natural features.
- 4.1.2.3 To identify and maintain *hydrologic functions* and connections among groundwater, natural, and *surface water features*.
- 4.1.2.4 To maintain wetland areas and the hydrological and *ecological functions* they provide and to enhance wetland cover where possible.
- 4.1.2.5 To protect *significant woodlands* and their biodiversity, restore *ecological functions* and enhance woodland cover through reforestation and restoration.
- 4.1.2.6 To protect provincially and regionally *significant earth science* and life science *areas of natural and scientific interest*.
- 4.1.2.7 To identify and protect *other woodlands* to maintain treed areas within the Town.
- 4.1.2.8 To identify *linkages* to protect ecological connectivity in the Town.
- 4.1.2.9 To protect *fish habitat* and the habitat of threatened and/or *endangered species* in accordance with Provincial and Federal legislation.
- 4.1.2.10 To protect and enhance water resources through proactive *watershed* and *subwatershed planning*.
- 4.1.2.11 To minimize the risks to human health, safety, and property associated with natural hazards.
- 4.1.2.12 To minimize the impacts of invasive species through the proper management and control, and the promotion of native species plantings in the Town.
- 4.1.2.13 To recognize the role and value of *compatible* and complementary agricultural and rural uses within and adjacent to the NES.
- 4.1.2.14 To consider the cumulative impacts through *watershed planning* and the *development* application review process.
- 4.1.2.15 To protect, maintain, enhance and restore the NES to the greatest extent possible while providing for *compatible development* and activities as identified that do not negatively impact the *natural heritage features and areas* and their ecological or *hydrologic functions* now and in the long term.

### 4.1.3 Enhancement Areas

- 4.1.3.1 *Enhancement areas* are intended to consist of natural self-sustaining vegetation that increases the ecological resilience and function of individual natural heritage features and areas, hydrologic features and/or natural features and areas, or groups of such features by:
- a) increasing the size of natural heritage features and areas, hydrologic features and/or *natural heritage features and areas*;
  - b) connecting *natural heritage features and areas*, hydrologic features and/or *natural heritage features and areas* to create larger contiguous natural areas;
  - c) improving the shape of *natural heritage features and areas*, hydrologic features and/or *natural heritage features and areas* to increase interior habitat conditions; or
  - d) including critical function zones and important catchment areas for sustaining *ecological functions*.
- 4.1.3.2 The presence of potential *enhancement areas* shall be screened for by a proponent when an environmental impact study and/or hydrological evaluation is required to support an application for *development* and *site alteration* both inside and outside of *settlement areas* or when a *subwatershed* study is being undertaken.
- 4.1.3.3 When carrying out an EIS, hydrological evaluation, or *subwatershed* study to determine whether *enhancement areas* should be identified within or adjacent to a feature, an evaluation shall be completed that:
- a) assesses the potential ecological benefit of an enhancement area to the nearby key natural heritage feature, *hydrologic feature* and/or *natural heritage features and area*. An example would be an enhancement area to fill in a gap, close in an indent, or connect two separate features;
  - b) considers the most appropriate shape/extent of an enhancement area so that the *ecological functions* of the nearby key natural heritage feature, *hydrologic feature* and/or *natural heritage features and area* are enhanced;
  - c) considers how the function and spatial extent of an enhancement area can be incorporated into the design and layout of the proposed *development*; and

- d) assesses the potential for *compatible* uses, such as stormwater management facilities, within the enhancement area to ensure that the area's intended *ecological function* is achieved.

4.1.3.4 In a case where an enhancement area is identified in accordance with Policy 4.1.3.2, the lands within the enhancement area shall be planted and left as natural self-sustaining vegetation. The enhancement area may also be designed to include other *compatible* land uses and *infrastructure*, such as stormwater management ponds if it can be demonstrated that the long-term *ecological function* of the enhancement area would be retained.

#### **4.1.4 Enhancements to the Natural Environment System**

4.1.4.1 The Town supports enhancements to the NES to support *ecological functions* and improve the ecological integrity of the NES as a whole. Enhancements can result from a range of specific actions undertaken by a landowner, developer, or public agency.

4.1.4.2 Where the preparation of a *subwatershed* study or an environmental impact study is required, the study shall demonstrate how enhancements to *ecological function*, ecological integrity, or biodiversity of the *natural environment system* can be achieved and will be implemented through:

- a) increases in the spatial extent of a feature or features;
- b) increases in biological and habitat diversity;
- c) enhancement of ecological system function;
- d) enhancement of *wildlife habitat*;
- e) enhancement or creation of *wetlands*, water systems or *woodlands*;
- f) enhancement of riparian corridors;
- g) enhancement of ecological services;
- h) enhancement of groundwater recharge areas; and
- i) establishment or enhancement of *linkages* or connectivity between key natural heritage features, and/or *natural heritage features and areas*.

#### **4.1.5 Cumulative Impacts**

- 4.1.5.1 Considering cumulative impacts shall be required when an environmental impact study, hydrological evaluation, or *subwatershed* study is undertaken.
- 4.1.5.2 Where cumulative impacts are being considered, the proponent shall be required to provide an overview of previous studies as provided by the Town or the *Conservation Authority* (if available), related to *development* impacts on the same or adjacent feature related to impacts on the *natural environment system*.

#### **4.1.6 Stewardship**

The Town recognizes that private landowners have a detailed understanding of their properties and play a key role in restoration and promoting biodiversity in the Town. Private landowner stewardship is about individuals and organizations caring for their land in a way that preserves its environmental, economic and cultural values, keeping it healthy for generations to come. The Town encourages private landowner stewardship at all times, and not just when there is an application for *development* or *site alteration*.

- 4.1.6.1 The Town will encourage land owners to practice good stewardship and to enhance, or wherever feasible, restore natural features on their property through a range of measures including, but not limited to:
  - a) plantings;
  - b) riparian restoration;
  - c) conservation easements;
  - d) vegetative *buffers*;
  - e) invasive species identification and removal;
  - f) citizen science projects; and
  - g) wherever appropriate, fencing.
- 4.1.6.2 The Town, in collaboration with the *Conservation Authority* and organized interest groups, will provide advice and information on other land stewardship programs to landowners wishing to exercise good stewardship of lands within the *Natural Environment System*.
- 4.1.6.3 In addition to the above, the Town supports community outreach programs related to natural environment enhancement and *climate change* initiatives.

4.1.6.4 The Town promotes, in conjunction with other public agencies and through stewardship programs, the donation of privately owned lands in the *Natural Environment System* to public agencies or charitable organizations or the transfer of the protection of the *ecological functions* and features on such lands to a public agency or charitable organization through a conservation easement agreement.

#### **4.1.7 Implementation and Interpretation**

4.1.7.1 Where a property is mapped as part of the NES overlay, both the applicable policies of this section and the applicable policies of the underlying official plan designation shall apply.

4.1.7.1 The Town's Zoning By-law will be the implementation tool for these policies. The NES may be mapped as an overlay, and where an individual component of the NES includes a vegetation protection zone or a minimum buffer, both the feature and buffer shall be mapped.

4.1.7.2 In addition to the requirements of this Plan, the Zoning By-law will define the specific regulations for that overlay in a manner that implements this plan.

## **4.2 Natural Heritage System**

The role of the Town's *NHS* is to protect and enhance biodiversity, *ecological functions*, and natural processes within the Town. It acts as a network of interconnected natural areas, including core features and *linkages*, to support wildlife movement, maintain ecosystem health, and provide various ecological services.

### **4.2.1 Policies**

4.2.1.1 The features and components of the *NHS* are mapped on Schedule B as an overlay. Individual features are shown on Schedule B1 for identification purposes and the *WRS* and its components are identified on Schedule B2.

~~4.2.1.1 The features and components of the *NHS* are listed in Appendix 5. Appendix 5 also includes the criteria for each of the features and components.~~

4.2.1.2 ~~In addition to the features and components listed in Appendix 5,~~ the following features and areas are ~~also~~ required components of the *NHS*:

- a) *groundwater features*:
  - i) recharge/discharge areas;

- ii) water tables; and
- iii) aquifers and unsaturated zones.

b) *surface water features:*

- i) headwater drainage features;
- ii) recharge/discharge areas; and
- iii) associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics; and

c) *other hydrologic functions.*

4.2.1.3 The features and areas identified in Policy 4.2.1.2 should be screened for during the completion of a watershed plan or subwatershed study. If identified, appropriate land use planning policies or other natural resource management tools should be put in place for their protection, enhancement, or restoration, as appropriate.

4.2.1.4 The features and components of the *NHS* are mapped as a single overlay on Schedule B to this Plan. Specific features are mapped on Schedule B1, and hydrologic areas, which are a component of the *NES*, are mapped separately on Schedule B2. Associated buffers are not mapped as part of this overlay. The purpose of Schedules B, B1 and B2 is to allow for preliminary screening and to determine if the policies of the *NHS* may apply.

4.2.1.5 Individual *natural heritage features and areas*, hydrological features, and other individual components that are considered mapped features of the *NHS* are shown on Schedule B2. These individual components include:

- a) *significant woodlands;*
- b) *other woodlands;*
- c) *provincially significant wetlands;*
- d) *other wetlands and non-provincially significant wetlands;*
- e) *life science areas of natural and scientific interest;*
- f) *earth science areas of natural and scientific interest;*

- g) *permanent and intermittent streams;*
- h) *inland lakes; and*
- h) *linkages.*

4.2.1.6 Not all of the features and components that make up the *NHS* can or have been mapped as part of the schedules to this Plan. Where features or components of the *NHS* ~~listed in Appendix 5~~ are not mapped, detailed area-specific or site-specific studies such as an environmental impact study, hydrological evaluation, or subwatershed study are required for their identification.

4.2.1.7 Where through the review of an application for *development* or *site alteration* or through the completion of a *subwatershed* study, it is found that there are features or components of the *natural environment system* or related ecological and/or *hydrologic functions* that have not been adequately mapped, evaluated or protected, the applicant shall have an evaluation prepared by a qualified professional in consultation with the Town and where appropriate, the *Conservation Authority*. If the evaluation finds one or more *natural heritage features and areas*, or key hydrological features, the policies of this Plan will be applied to the lands as appropriate.

4.2.1.8 Where lands are mapped or identified as two or more features or components of the *NHS*, the policies which provide the highest level of environmental protection shall apply in the event of any conflict.

#### **4.2.2 Refinements to the Limits of the Natural Heritage System**

4.2.2.1 Changes to the limits of classification of individual features or components of the *NHS* identified through the Town's criteria may be considered through the submission of an environmental impact study and/or hydrologic evaluation based on terms of reference approved by the Town in accordance with the policies of this plan and in consultation with the *Conservation Authority* as appropriate.

4.2.2.2 If the change to the limit or classification of an individual feature or component of the *NHS* identified through local criteria can be justified to the satisfaction of the Town, an amendment to this Plan shall not be required. Further details on the scope of the study required to support a change to the limit or classification of the *NHS* are included in the Region's Environmental Impact Study Guidelines and/or Hydrologic Evaluation Guidelines.

- 4.2.2.3 Changes to the limit or classification of individual features or components of the *NHS* identified through local criteria may also be considered through the findings of a *subwatershed* study completed to the satisfaction of the Town, in consultation with the *Conservation Authority* as appropriate. If the change to the limit or classification of an individual feature or component of the *NHS* can be justified to the satisfaction of the Town, an amendment to this Plan shall not be required.
- 4.2.2.4 Changes to the limit or classification of individual features of the *NHS* identified through Provincial criteria require approval from the Province. If the changes to the limit or classification of an individual feature have been approved by the Province, an amendment to this Plan shall not be required.
- 4.2.2.5 Where the limits of a feature or component of the *NHS* have been refined through an approved environmental impact study, hydrologic evaluation or *subwatershed* study, the lands that are no longer included as part of the *NHS* overlay shall continue to be designated based on the underlying land use, unless otherwise determined through a *Planning Act* application.
- 4.2.2.6 The town shall regularly update the appropriate schedules of this Plan to incorporate any approved refinements to the *NHS*.
- 4.2.2.7 Where *development* or *site alteration* is proposed within or adjacent to the *NHS*, new lots shall not be created that would fragment a natural heritage feature or area, ~~key natural heritage feature, or hydrologic feature~~. The lands retained in the *NHS* shall remain in a natural state, and the natural features and any required *buffer* or *vegetation protection zone* shall be maintained in a single block and zoned to protect the natural features and their *ecological functions*. The Town encourages the appropriate public and private conservation organization(s) to assume ownership of these lands.
- 4.2.2.8 Applications for lot boundary adjustment shall avoid the fragmentation of *provincially significant wetlands* and *significant woodlands*.
- 4.2.2.9 Applications for lot boundary adjustment should avoid the fragmentation of other *natural heritage features and areas*, ~~as well as natural heritage features and areas or hydrologic features~~, wherever possible and practical.
- 4.2.3 Development and Site Alteration in the Natural Heritage System Features and Areas**
- 4.2.3.1 *Development* and *site alteration* shall not be permitted in the following *natural heritage features and areas*:

- a) *provincially significant wetlands; and*
- b) *significant woodlands.*

4.2.3.2 *Development and site alteration shall not be permitted in the following natural heritage features and areas unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts on the natural features or their ecological functions:*

- a) *other woodlands;*
- b) *significant valleylands;*
- c) *significant wildlife habitat; and*
- d) *significant areas of natural and scientific interest.*

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~~4.2.3.3 Notwithstanding Policies 4.2.3.1 and 4.2.3.2, permitted uses in a natural heritage feature and area are limited to:~~

- ~~a) forest, fish and wildlife management;~~
- ~~b) conservation and flood or erosion control projects, subject to demonstrating the project is necessary in the public interest and after all alternatives have been considered;~~
- ~~c) activities that create or maintain infrastructure authorized under an environmental assessment, including a Class Environmental Assessment, completed in accordance with the Environmental Assessment Act;~~
- ~~d) expansion to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses that have less of an environmental impact subject to demonstration that the use does not expand into a natural heritage feature or area unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;~~
- ~~e) expansions or alterations to existing buildings and structures for agricultural uses, agricultural-related uses or on-farm diversified uses and expansions to existing residential dwellings if it is demonstrated that:
 
  - ~~i) there is no alternative, and the expansion or alteration in the feature is minimized and, in the vegetation protection zone, is~~~~

~~directed away from the feature to the maximum extent possible; and~~

~~ii) the impact of the expansion or alteration of the feature and its *ecological functions* is minimized and mitigated to the maximum extent possible;~~

~~f) small scale structures for recreational uses, including, but not limited to, boardwalks, footbridges, fences, docks and picnic facilities, subject to measures taken to minimize the number of such structures and their *negative impacts*; and~~

~~a) passive recreational uses and conservation/education facilities on lands owned and managed by the Town or a public agency.~~

4.2.3.43 Notwithstanding Policy 4.2.3.1 b), new or expanding *mineral aggregate operations* may be permitted in *significant woodlands* if it has been demonstrated through the preparation of an environmental impact study that there will be no *negative impacts* on the natural feature or its *ecological functions*.

4.2.3.54 Notwithstanding any other policies of this Plan, *development* and *site alteration* in and adjacent to watercourses, *provincially significant wetlands*, *significant valleylands* and *other wetlands*, and development adjacent to *provincially significant wetlands* that the *Conservation Authority* regulates may also be subject to the regulations and land use planning policies of the *Conservation Authority*. When *development* or *site alteration* is proposed in or adjacent to any watercourse, *provincially significant wetland*, *significant valleyland*, or other wetland, or adjacent to a *provincially significant wetland*, the applicant shall contact the *Conservation Authority*, at which time *Conservation Authority* Staff will advise the applicant and Town of the land use or regulatory policies that will apply.

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4.2.3.65 Where another *wetland* or non-*provincially significant wetland* in a *settlement area* has been identified, the Town shall require that an evaluation be undertaken through an environmental impact study and, if required, a wetland evaluation using the Ontario Wetland Evaluation System, and/or hydrologic evaluation as part of an application for *development* or *site alteration* or through a *subwatershed* study to determine the appropriate classification and protection or management of the feature.

4.2.3.76 Outcomes of the evaluation completed in Policy 4.2.3.6-5 could include the in-situ protection with appropriate *buffers* or incorporation of the *hydrologic function* into the design of the *development* in accordance with the following:

- a) if the other *wetland* is a treed community with a canopy coverage greater than 25% and the other criteria for *other woodlands* are met, the other woodland policies of this Plan shall apply;
- b) if the other wetland is a treed community with a canopy coverage greater than 60% and the other criteria for *significant woodlands* are met, the *significant woodland* policies of this plan shall apply;
- c) no negative impact on the *ecological function* of the other *wetland*; and
- d) maintain the *hydrologic function* of the other *wetland*.

4.2.3.8Z If the evaluation completed in Policy 4.2.3.6-5 finds one or more other *natural heritage features and areas*, the appropriate policies of this Plan shall be applied to the lands and natural features that are subject to the application to *development or site alteration*.

#### 4.2.4 Buffers Outside of Settlement Areas

*Buffer* requirements for environmental features outside of the *settlement area* in the Town vary, but generally involve a minimum of 10-30 metres, with potentially wider *buffers* for more sensitive areas and significant features. The exact *buffer* width may be determined by a number of factors, including the type of feature, its sensitivity, the type of development proposed, and any other specific requirements outlined through the development application process.

For minimum *buffers*, which apply to lands outside of the settlement area, the policies of this Plan state the minimum *buffer* required. The *buffer* width cannot be less than the required minimum, with the exception of specific uses generally related to agriculture or passive uses of the land, as determined through the preparation of an EIS that demonstrates there will be no *negative impacts* as defined by the Provincial Planning Statement. Minimum *buffers* may be larger than those stated based on the determination of an EIS, hydrological evaluation or subwatershed study.

4.2.4.1 Outside *settlement areas*, a minimum *buffer* on all *natural heritage features and areas* is required, as set out in Table 4.1.

4.2.4.2 *Buffers* should be actively restored through a restoration or landscape plan.

**Table 4.1 Minimum Prescribed Buffer to a Natural Heritage Feature Outside of Settlement Areas**

Natural Heritage Feature and Area	Minimum Buffer
<i>Provincially significant wetlands</i>	30 metres
<i>Significant Woodlands</i>	20 metres
<i>Life Science Areas of natural and scientific interest</i>	20 metres
<i>Significant Valleylands</i>	15 metres
<i>Other Woodlands</i>	10 metres

- 4.2.5.3 Given the variability in the type, form and function of *significant wildlife habitat* existing on the landscape, the width of the required minimum *buffer* is to be established through the completion of an environmental impact study or *subwatershed* study.
- 4.2.4.4 *Development* or *site alteration* shall not be permitted within the minimum *buffer* set out in Table 4.1, with the exception of that described in Policy 4.2.3.5 or *infrastructure* serving the agricultural sector, unless it has been demonstrated through the preparation of an environmental impact study that there will be no *negative impacts* and the *buffer* will continue to provide the *ecological function* for which it was intended.
- 4.2.4.5 Notwithstanding Policy 4.2.4.4, outside of *settlement areas*, consideration can be given to including passive recreational uses such as trails in *buffers* if it has been demonstrated that the *buffer* will continue to provide the *ecological function* for which it was intended.
- 4.2.4.6 Notwithstanding Policy 4.2.5.1 ~~and 4.2.6.1~~, the following types of minor construction may be permitted, provided the Town is satisfied that there will be no *negative impact on the features or their ecological functions*. ~~permitted~~ within minimum buffers set out in Table 4.1 and adjacent lands set out in Table 4.2 provided there is no alternative, without an EIS and/or hydrologic evaluation:
- a) new buildings and structures for agricultural use, agricultural-related uses, or on-farm diversified uses below 200m<sup>2</sup>;
  - b) expansions to existing buildings and structures for agriculture uses, agriculture-related uses, or on-farm diversified uses below 50 percent of the size of the original building, provided the expansion is less than 200 m<sup>2</sup>;

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- c) new accessory buildings to a residential use (garage, workshop etc.) below 50m<sup>2</sup>;
- d) expansions to existing accessory buildings for a residential use below 50 percent of the size of the original building;
- e) expansions to existing residential buildings below 50 percent of the size of the original building; and
- f) reconstruction of an existing residential dwelling of the same size, in the same location.

#### **4.2.5 Buffers in Settlement Areas**

A mandatory buffer is required from natural heritage features and areas within the settlement areas. For a mandatory buffer, the policies of this Plan do not state any minimum for the buffer width. The determination is made through the preparation of an EIS, hydrological evaluation or subwatershed study.

- 4.2.5.1 Mandatory *buffers* from *natural heritage features and areas* are required within *settlement areas*. The width of an ecologically appropriate *buffer* would be determined through an environmental impact study and/or hydrologic evaluation when an application for *development or site alteration* is made or through the completion of a *subwatershed* study in support of a secondary plan or other large-scale *development*. The width of the *buffer* would be based on the sensitivity of the *ecological functions* from the proposed *development or site alteration* and the potential for impacts on the feature and the *ecological functions* as a result of the proposed change in land use.
- 4.2.5.2 *Development or site alteration* shall not be permitted in the mandatory *buffer*, except for that described in Policy 4.2.3.3 or *infrastructure* serving the agricultural sector unless it has been demonstrated through the preparation of an environmental impact study that there will be no *negative impacts* and the *buffer* will continue to provide the *ecological function* for which it was intended.
- 4.2.5.3 Notwithstanding any other policy in this Plan, the *Conservation Authority* has its own *buffer* requirements for watercourses, which shall apply. Reductions in any *buffer* required by the *Conservation Authority* may be considered in *settlement areas* where supported by a site-specific study approved by the Town and the *Conservation Authority*.
- 4.2.5.4 Notwithstanding Policy 4.2.5.2, within *settlement areas*, consideration can be given to including passive recreational uses such as trails in *buffers*,

provided an appropriate *buffer* width is maintained, as determined through the environmental impact study and/or hydrologic evaluation.

**4.2.6 Development and Site Alteration ~~in Adjacent Lands~~ Lands Adjacent to the Natural Heritage System Features and Areas**

The Provincial Planning Statement (2024) requires that the Town include in its Official Plan, policies for *development* and *site alteration* on lands which are adjacent to a *natural heritage feature or area(s)*. *Adjacent lands* are those contiguous to a specific *natural heritage feature or area* where it is likely that *development* or *site alteration* would negatively impact the *natural heritage feature or area*. Generally, an Environmental Impact Study (EIS) or *Environmental Assessment* (EA) is required to assess the potential impacts of the proposed activities and recommend appropriate *setbacks* (i.e. established *buffers*) from the natural heritage feature or area within the *adjacent lands* to ensure no *negative impacts*. The minimum *buffers*, where applicable, are identified to prevent damage and degradation to the *natural heritage features and areas* that are part of the NHS.

4.2.6.1 A proposal for new *development* or *site alteration* which is adjacent to a *natural heritage feature or area* shall require an environmental impact study and/or hydrologic evaluation to determine that there are no *negative impacts* on the feature, *ecological function* or *hydrologic function* in accordance with the *adjacent land* distances outlined in Table 4.2

**Table 4.2 Adjacent Lands for Natural Heritage System Features**

Natural Heritage Features and Area	Adjacent Lands
<i>Provincially significant wetland</i>	120 metres
<i>Significant Woodland</i>	120 metres
<i>Other Woodland</i>	50 metres
<i>Significant Valleyland</i>	<del>50-120</del> metres
<i>Significant Wildlife habitat</i>	<del>50-120</del> meters
<i>Habitat of endangered species and threatened species</i>	50 metres
<u><i>Significant Life Science Areas of natural and scientific interest</i></u>	<del>50-120</del> metres
<u><i>Significant Earth Science Areas of natural and scientific interest</i></u>	<del>50-120</del> metres

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4.2.6.2 Notwithstanding Table 4.2, the requirement for an environmental impact study and/or hydrologic evaluation may be waived if the proposed *development* or *site alteration* is minor and not anticipated to have a negative impact on the *NHS* in accordance with the waiving requirements outlined in the Region’s Environmental Impact Study and/or Hydrologic Evaluation Guidelines.

4.2.6.3 Notwithstanding Policy 4.2.6.1, an environmental impact study will not be required for a proposal for *development* or *site alteration* on a site where the only *natural heritage features and area* is the *habitat of endangered species and threatened species*.

4.2.6.4 Notwithstanding Policy 4.2.6.1, new buildings and structures for *agricultural uses*, *agricultural-related uses* or *on-farm diversified uses* will not be required to undertake an environmental impact study and/or hydrologic evaluation if a minimum 30-metre *buffer* is provided from a *natural heritage features and area*.

#### **4.2.7 Other Woodlands**

4.2.7.1 *Development* and *site alteration* shall not be permitted in *other woodlands* unless it has been demonstrated through the preparation of an environmental impact study that there will be no *negative impacts* on the other woodland or its *ecological functions*.

4.2.7.2 Outside of *settlement areas*, *other woodlands* are subject to a 10-metre minimum *buffer* in accordance with Policy 4.2.4.1.

4.2.7.3 Inside *settlement areas*, *other woodlands* are subject to an ecologically appropriate *buffer* to be determined when an application is made for *development* or *site alteration* in accordance with Policy 4.2.5.1.

4.2.7.4 Notwithstanding Policies 4.2.7.1 to 4.2.7.3, policies related to *other woodlands* do not apply to new or expanding *mineral aggregate operations*.

4.2.7.5 Notwithstanding Policies 4.2.7.1 to 4.2.7.3, policies related to *other woodlands* do not apply to new or expanding buildings or structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* if they are located, designed and constructed to minimize impacts on the NES.

4.2.7.6 Notwithstanding Policy 4.2.7.1, consideration can be given to including passive recreational uses, such as trails within *other woodlands* and their established *buffers*, if it has been demonstrated that the feature will continue to provide the *ecological function* intended.

#### **4.2.8 Linkages**

4.2.8.1 Large, medium, and small *linkages* outside of *settlement areas* and outside of the Greenbelt Plan Area and *GBNHS* and small *linkages* inside of *settlement areas* which are identified between *natural heritage features and areas*, *natural heritage features and areas*, and hydrologic features are shown on Schedule B1.

- 4.2.8.2 Only *linkages* mapped as part of the NHS are shown on Schedule B1. Opportunities for additional, ecologically appropriate, *linkages* shall be screened for when a *subwatershed* study is completed to support a secondary plan.
- 4.2.8.3 When a *subwatershed* study is being undertaken or when *development* or *site alteration* is proposed in or within 30 metres of a linkage shown on Schedule B1, an evaluation shall be completed that:
- a) assesses the ecological features and functions of a linkage, including its vegetative, wildlife, and/or landscape features or functions;
  - b) identifies appropriate boundaries/widths that permit the movement of wildlife between nearby *natural heritage features and areas*, hydrologic features, and/or *natural heritage features and areas*;
  - c) describes the *ecological functions* the linkage is intended to provide and identifies how these *ecological functions* can be maintained or enhanced within a *development* proposal;
  - d) assesses the potential for *compatible* uses including, but not limited to, stormwater management ponds, passive recreational uses, and trails within the linkage to determine how the intended *ecological functions* of the linkage can be maintained or enhanced;
  - e) assesses potential impacts on the linkage as a result of the *development*; and
  - f) recommends ways to protect, enhance, or mitigate impacts on the linkage and its *ecological functions* through avoidance and planning, design, and construction practices.
- 4.2.8.4 Possible outcomes of an evaluation carried out in accordance with Policy 4.2.8.3 include:
- a) the incorporation of the linkage into the *development*, such that *development* would not occur on those lands;
  - b) the incorporation of the linkage into the *development*, with linear *infrastructure* and other *infrastructure* and associated small-scale structures permitted in the linkage in such a manner that protects the long-term *ecological function* of the linkage;

- c) the refinement of the location, form, size, shape, or *ecological function* of the linkage; or
- d) the elimination of the linkage based on area or site-specific analysis. If a linkage is proposed to be eliminated, it must be demonstrated to the satisfaction of the Town that:
  - i) maintaining a linkage is not necessary for ecological reasons;
  - ii) the loss of the linkage will not decrease the overall ecological connectivity in the area; and
  - iii) the linkage is not required to support the long-term sustainability of the overall *natural environment system*.

4.2.8.5 In a case where all or part of a linkage area is retained in accordance with Policy 4.2.8.4 a), b), or c), the lands within the linkage area shall be planted and left as natural self-sustaining vegetation (except for those lands used for *infrastructure* – if permitted) or remain in *agricultural use*. The linkage may also be designed to permit *compatible* uses, as evaluated in Policy 4.2.8.3, so long as the *ecological function* of the linkage is maintained.

4.2.8.6 Notwithstanding Policy 4.2.8.3 the full range of existing and new *agricultural uses, agriculture-related uses, on-farm diversified uses, and normal farm practices* are permitted within a mapped linkage shown on Schedule B1.

4.2.8.7 Notwithstanding Policy 4.2.8.3, the following types of minor construction is permitted within a linkage shown on Schedule B1, provided there is no alternative, without requiring an evaluation:

- a) new accessory buildings for residential use (garage, workshop, etc.) below 50 m<sup>2</sup>;
- b) expansions to existing accessory buildings to a residential use below 50 percent of the size of the original building;
- c) expansions to existing residential buildings below 50 percent of the size of the original building; and
- d) reconstruction of an existing residential dwelling of the same size in the same location.

4.2.8.8 Notwithstanding the above, the policies of Section 4.2.8 do not apply to new or expanding *mineral aggregate operations*.

### **4.3 Watershed Planning and Water Resource System**

Protection, conservation, and enhancement of the Town's water resources are integral to sustaining the community's environmental, social, and economic well-being. The Town employs a *watershed/subwatershed*-based planning approach to inform broader-scale natural heritage, land use, and *infrastructure* planning policy. The Town emphasizes water resource protection and conservation, ensuring long-term safety and security by identifying potential quality and quantity threats to surface water and groundwater resources.

#### **4.3.1 Objectives**

- 4.3.1.1 To work with the *Conservation Authority* and Region of Niagara to use a *watershed/subwatershed planning systems* approach to inform the identification, evaluation and protection of the natural environment.
- 4.3.1.2 To protect, improve or restore the quality and quantity of the Town's surface water and groundwater resources through municipal initiatives and community stewardship.
- 4.3.1.3 To incorporate source protection objectives into the land use planning process to ensure that water sources are not compromised in the future due to land use decisions.
- 4.3.1.4 To practice and encourage effective management of stormwater drainage in order to maintain or enhance the water resources of the Town.
- 4.3.1.5 To use stormwater management to assist in regulating the quantity and quality of stormwater run-off to receiving natural watercourses, *wetlands* and recharge facilities.
- 4.3.1.6 To educate the public on the value of protecting the Town's water resources and how the community can contribute to its protection.

#### **4.3.2 Watershed Planning**

- 4.3.2.1 The Town will use *subwatershed planning* as a basis for environmental, land use and *infrastructure* planning. *Subwatershed planning* informs the NHS and may serve as a comprehensive Environmental Impact Study framework but will not replace the need for detailed Environmental Impact Studies required in support of *development* applications.
- 4.3.2.2 The Town will work with the *Conservation Authority*, Region of Niagara, local area municipalities, stakeholders, and other agencies to develop and

implement *watershed*, *subwatershed*, master drainage, and Stormwater Management Plans.

4.3.2.3 *Subwatershed* studies will be used:

- a) to identify *surface water features*, *ground water features*, *hydrologic functions* and natural heritage features and *linkages* which are necessary for the ecological and hydrological integrity of the *watershed*;
- b) to ensure *linkages* and related functions among *surface water features*, *ground water features*, *hydrologic functions* and natural heritage features are maintained;
- c) as the basis for stormwater management plans, augmenting natural heritage feature protection, restoration and enhancement where applicable and the requirements for major municipal *infrastructure*;
- d) to provide guidance for monitoring, mitigation measures and alternative *development* approaches within the *watershed* and the intended purpose of maintaining and enhancing the natural health and quality of surface water and *ground water features*, natural heritage features and associated ecological and hydrological functions within the *subwatershed*; and
- e) to inform and assist in the land use planning process.

4.3.2.4 A *subwatershed* study is required to inform the identification and refinement of the NHS and the *development* of policies to protect the NHS when secondary plans are prepared for designated *built-up areas* or other large undeveloped areas. A *subwatershed* study should generally include, but is not limited to:

- a) an inventory of existing ecological and hydrological data and conditions;
- b) the identification of existing and proposed land uses and the modelling of potential *development* impacts;
- c) water quality targets in accordance with the *watershed* plan, Provincial guidelines or other industry standards and best practices;
- d) procedures for monitoring water quality and quantity before, during and after *development*;

- e) completion of water balance;
- f) consideration of all elements of the NHS as described in Section 4.1 of this Plan;
- g) refinement to the boundaries of the NHS;
- h) identification of opportunities for and constraints to *development*;
- i) guidelines for best management practices for *development* design, environmental design, construction management etc.;
- j) the recommendation of appropriate stormwater management techniques in accordance with Provincial, Regional and Town guidelines and industry best practices;
- k) an analysis of the cumulative impact of *development*; and
- l) implementation and adaptive monitoring plans.

4.3.2.5 Planning studies and *development* applications will consider the recommendations of *watershed/subwatershed* studies and related master plans. Schedules B1 and B2 display the town's *surface water features*, including rivers, creeks, and *wetland* areas.

4.3.2.6 Proposed *development* in designated *built-up* areas, including the associated water, wastewater and stormwater servicing, shall be planned to avoid, or if avoidance is not possible, minimize and mitigate any potential *negative impacts* on *watershed* conditions and the Town's overall *water resource system*, including the *quality and quantity of water*.

4.3.2.7 The findings and recommendations of *watershed/subwatershed* studies and Environmental Impact Studies may be used for initial benchmarking for monitoring and implementing mitigation measures.

4.3.2.8 The Town, in consultation with the Region, the *Conservation Authority* and affected landowners if appropriate, shall determine the terms of reference for the *subwatershed* study.

### 4.3.3 **Hydrologic Areas, ~~Hydrologic Features~~ and Other Important Water Resources**

4.3.3.1 Hydrologic areas, ~~features~~ and other water resources are part of the *NHS* and are mapped as a separate overlay on Schedule B2.

- 4.3.3.2 *Development or site alteration* shall not be permitted unless it can be demonstrated that it will not have *negative impacts* on:
- a) the quantity and quality of water in *key hydrologic areas*, ~~hydrologic features~~, *sensitive surface water features* and *sensitive ground water features*;
  - b) the *hydrologic functions* of key hydrologic areas, ~~hydrologic features~~, *sensitive surface water features* and *sensitive ~~ground water~~groundwater features*;
  - c) the interaction and linkage between key hydrologic areas, ~~hydrologic features~~, *sensitive surface water features* and *sensitive ground water features* and other components of the NES;
  - d) the natural hydrologic characteristics of watercourses such as base flow, form and function, and headwater drainage areas;
  - e) natural drainage systems and *shoreline areas*; and
  - f) flooding or erosion.

4.3.3.3 Mitigative measures and/or alternative *development* approaches may be required to protect, improve, or enhance key hydrologic areas, features, *sensitive surface water* and *ground water features*, and their *hydrologic functions*. The Town, Region or *Conservation Authority* may require the establishment of appropriate *development* conditions and monitoring programs through the *development* approval process.

4.3.3.4 Notwithstanding sections 4.3.3.2 and 4.3.3.3, the policies protecting these features shall not conflict with any provincial policy or interest

4.3.3.4 The Town encourages the restoration of natural stream form and flow characteristics through the *development* approval process where appropriate.

4.3.3.5 Groundwater across the Town is an important resource for all, specifically, a source of potable drinking water for many rural residents.

4.3.3.6 *Development or site alteration* shall not negatively impact *hydrologic areas* or their *hydrologic functions*. In areas where *development* and *site alteration* could negatively impact groundwater quality or quantity, the Town shall require further review of potential impacts through the completion of a *subwatershed* study or through the completion of a hydrologic evaluation during the review of an application for *development* or *site alteration*.

4.3.3.7 Outside of *settlement areas*, proposals for large-scale *development* proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan may be permitted within a *key hydrologic area* where it is demonstrated through a hydrologic evaluation that the *hydrologic functions*, including the *quality and quantity of water*, of these areas will be protected and, where possible enhances or restored through:

- a) the identification of planning, design, and construction practices and techniques;
- b) meeting other criteria and direction set out in a *watershed* plan or *subwatershed* studies if applicable; and
- c) meeting any applicable Provincial standards, guidelines and procedures.

4.3.3.8 Policy 4.3.3.7 does not apply to *development* in the Greenbelt Plan area that is a new or expanding building or structure for *agricultural uses*, *agriculture-related uses* or *on-farm diversified uses* where the total impervious surface does not exceed 10 percent of the lot.

#### **4.3.4 Water Resource Protection and Conservation**

4.3.4.1 The Town will protect, improve or restore the *quality and quantity of water* by:

- a) minimizing potential *negative impacts*, including cross-jurisdictional and *cross-watershed* impacts;
- b) implementing necessary restrictions on *development* and *site alteration* to protect all municipal drinking water supplies and designated vulnerable areas;
- c) promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality; and
- d) ensuring stormwater management practices minimize stormwater volumes and contaminant loads.

4.3.4.2 Reducing water consumption will be encouraged through upgrading and/or retrofitting existing buildings and facilities. The Town may require a Water Conservation Efficiency Study in conjunction with new *development*.

- 4.3.4.3 Landscaping and maintenance practices that minimize water consumption and reduce the use of potable water for irrigation associated with *development* are encouraged.
- 4.3.4.4 The use of potable water for outdoor watering is discouraged.
- 4.3.4.5 The Town will increase the use of low-maintenance and drought-tolerant landscaping at municipal facilities.
- 4.3.4.6 The Town will encourage and implement *Low impact development* (LID) where appropriate.
- 4.3.4.7 Alternative water supply and demand management systems, such as rainwater harvesting and greywater reuse, are encouraged throughout the Town and in all new *developments*.
- 4.3.4.8 The Town will ensure, through consultation with the Region and *Conservation Authority*, that all *development* meets provincial water quality and quantity objectives for surface water and groundwater.
- 4.3.4.9 The Town will ensure that *development* activities do not impair the future ability of the area's groundwater and surface water resources to provide a quality water supply to satisfy the town's residential and business needs and sustain the area's natural ecosystem.
- 4.3.4.10 *Development* should be restricted in or near *sensitive surface water features* and *sensitive ground water features* and tributaries such that these features and their related *hydrologic functions* and water quality functions shall be protected, improved or restored. Mitigative measures and/or alternative *development* approaches may be required to protect, improve or restore *sensitive surface water features*, *sensitive ground water features* and their *hydrologic functions*.

#### **4.4 Greenbelt Plan Area**

The Town's NES includes lands that are designated through the Province of Ontario's Greenbelt Plan. The Greenbelt Plan was introduced in 2005 to help shape the Greater Golden Horseshoe's future and protect some of Canada's most ecologically and hydrologically *significant* natural environments and scenic landscapes. The Greenbelt Plan consists of *key hydrologic areas*, *key hydrologic features* and *key natural heritage features*.

Lands identified on Schedule A as Protected Countryside are those lands that are recognized in the Greenbelt Plan and are made up of a number of different sub-designations, including Specialty Crop areas; and Niagara Tender Fruit and Grape area.

Additionally, the settlement area of Fenwick is identified as a Town/Village and the rural settlement areas of Ridgeville and North Pelham are identified as Hamlet through the Greenbelt Plan mapping.

Finally, the Plan identifies a Natural System comprising a Natural Heritage System and a Water Resource System that often coincide, given ecological linkages between terrestrial and aquatic functions. Within this system, key natural heritage features and key hydrologic features are identified.

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#### **4.4.1 Natural Heritage System Policies**

- ~~4.4.1.1 — The policies of Section 4.4.1 apply to lands within the mapped Greenbelt Plan Area and GBNHS.~~
- ~~4.4.1.2 — Notwithstanding Policy 4.4.1.1, the policies of Section 4.4.1 that apply to key hydrologic features apply in all areas of the Town outside of settlement areas, whether or not they are in the mapped Greenbelt Plan Area or GBNHS in accordance with Provincial policy.~~
- ~~4.4.1.3 — Required within the GBNHS is a 30-metre wide vegetation protection zone adjacent to significant woodlands, wetlands as well as permanent and intermittent streams and inland lakes.~~
- ~~4.4.1.4 — Notwithstanding policy 4.4.1.3, a 15-metre wide vegetation protection zone applies to certain key hydrologic features in parts of the Greenbelt Plan area in accordance with the policies of the Greenbelt Plan.~~
- ~~4.4.1.5 — Development or site alteration is not permitted within key natural heritage features and within key hydrologic features outside of settlement areas, including any associated vegetation protection zone, except for:~~
- ~~a) — forest, fish, and wildlife management;~~
  - ~~b) — conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary for the public interest and after all alternatives have been considered;~~
  - ~~c) — activities that create or maintain infrastructure authorized under an environmental assessment, including a Class Environmental assessment, completed in accordance with the Environmental assessment Act;~~
  - ~~d) — all existing uses in the Greenbelt Plan Area;~~

- e) ~~single dwellings on existing lots of record in the Greenbelt Plan area, provided they were zoned for such use as of the date the Greenbelt Plan initially came into effect;~~
- f) ~~mineral aggregate operations and wayside pits and quarries subject to Provincial policy, and the applicable policies of this Plan;~~
- g) ~~recreational uses in the GBNHS in accordance with the requirements of the Greenbelt Plan and the applicable policies of this Plan;~~
- h) ~~small scale structures for recreational uses, including but not limited to, boardwalks, footbridges, fences, docks, picnic facilities and supporting infrastructure such as ground signs, if measures are taken to minimize the number of such structures and their negative impacts;~~
- i) ~~expansions to existing buildings and structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into the hydrologic feature or key natural heritage feature or vegetation protection zone unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;~~
- j) ~~expansions or alterations to existing buildings and structures for agricultural uses, agriculture related uses, or on farm diversified uses and expansions to existing residential dwellings if it is demonstrated that:
 
  - i) ~~there is no alternative, and the expansion or alteration in the feature is minimized and, in the vegetation protection zone, is directed away from the feature to the maximum extent possible; and~~
  - ii) ~~the impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible.~~~~

4.4.1.6 ~~New development or site alteration within the GBNHS will demonstrate that:~~

- a) ~~there are no negative impacts on natural heritage features and areas or hydrologic features or their functions to the satisfaction of the Town;~~
- b) ~~connectivity along the system and between natural heritage features and areas and hydrologic features located within 240 metres of each~~

~~other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;~~

- ~~e) the removal of other natural features not identified as *natural heritage features and areas* and hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;~~
- ~~d) except for uses described in and governed by the policies in Section 9.6, *Mineral aggregate resources*, the disturbed area, including any buildings and structures, will not exceed 25 percent of the *total developable area*, and the impervious surface will not exceed 10 percent of the *total developable area*;~~
- ~~e) with respect to golf courses, the disturbed area will not exceed 40 percent of the *total developable area*; and~~
- ~~f) at least 30 percent of the *total developable area* will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with the policies in Section 9.6, *Mineral aggregate resources*.~~

~~4.4.1.4 Notwithstanding Policy 4.4.1.5, the full range of existing and new *agricultural uses, agriculture related uses, on-farm diversified uses, and normal farm practices* are permitted within the *GBNHS*, subject to the respective requirements of the Greenbelt Plan. New buildings or structures for *agricultural uses, agriculture related uses, or on-farm diversified uses* are not subject to Policy 4.4.1.3 but are subject to Policy 4.4.1.9.~~

~~4.4.1.5 A proposal for new *development or site alteration* within 120 metres of any key natural heritage feature within the Greenbelt Plan or any *hydrologic feature* within the Niagara Escarpment Plan, or otherwise outside of *settlement areas* may require an environmental impact study and/or hydrologic evaluation, or equivalent study prepared to the satisfaction of the Town and relevant approval authorities, that identifies a *vegetation protection zone*, which:~~

- ~~a) protects the *key natural heritage feature or key hydrologic feature* and its functions from the impacts of the proposed change;~~
- ~~b) is established to achieve and be maintained as natural self-sustaining vegetation; and~~
- ~~c) for *wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, inland lakes and significant woodlands*, it is no~~

~~less than 30 metres measured from the outside boundary of the feature.~~

- ~~4.4.1.6 — Studies and evaluations undertaken per Policy 4.4.1.5 will also identify any additional restrictions to be applied before, during, and after development to protect the feature's hydrologic functions and ecological functions.~~
- ~~4.4.1.7 — Development or site alteration will not be permitted in the vegetation protection zone, except as described in Policies 4.4.1.3 and 4.4.1.4.~~
- ~~4.4.1.8 — Notwithstanding Policies 4.4.1.5 and 4.4.1.7, an environmental impact study may not be required for a proposal for development or site alteration on a site where the only key natural heritage feature is the habitat of endangered species and threatened species.~~
- ~~4.4.1.9 — Notwithstanding Policies 4.4.1.5 and 4.4.1.7, new buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses will not be required to undertake an environmental impact study and/or hydrologic evaluation if a minimum 30-metre vegetation protection zone is provided from a key natural heritage feature or hydrologic feature.~~
- ~~4.4.1.10 — Uses permitted in accordance with Policy 4.4.1.9 are exempt 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 and will pursue best management practices to protect and restore natural heritage features and areas, hydrologic features, and their functions.~~
- ~~4.4.1.11 — Notwithstanding Policy 4.4.1.7, the following types of minor construction are permitted without an environmental impact study and/or hydrologic evaluation within the GBNHS but outside of the vegetation protection zone adjacent to a key natural heritage feature or hydrologic feature:~~
- ~~a) — new accessory facilities to residential use (garage, workshop, etc.) below 50m<sup>2</sup>;~~
  - ~~b) — expansions to existing accessory facilities to a residential use below 50 percent of the size of the original building;~~
  - ~~c) — expansions to existing residential buildings below 50 percent of the size of the original building; and~~
  - ~~d) — reconstruction of an existing residential dwelling of the same size in the same location.~~
- ~~4.4.1.12 — Parkland dedication and school sites required as a condition of approval for~~

~~development within an urban settlement area shall not be permitted within the GBNHS.~~

~~For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply:~~

~~4.4.1.1 The full range of existing and new *agricultural, agriculture-related* and *on-farm diversified uses* and *normal farm practices* are permitted subject to the policies of section 4.4.1.2.~~

~~4.4.1.2 New buildings or structures for *agriculture, agriculture-related* and *onfarm diversified uses* are not subject to the policies of section 4.4.1.3, but are subject to the policies of section 4.4.4.~~

~~4.4.1.3 New *development* or *site alteration* in the Natural Heritage System (as permitted by the policies of this Plan) shall demonstrate that:~~

~~a) There will be no *negative impacts on key natural heritage features* or *key hydrologic features* or their functions;~~

~~b) *Connectivity* along the system and between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;~~

~~c) The removal of other natural features not identified as *key natural heritage features* and *key hydrologic features* should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible;~~

~~d) Except for uses described in and governed by the policies of sections 4.4.5 and 9.4,~~

~~i. The disturbed area, including any buildings and structures, of the *total developable area* will not exceed 25 per cent (40 per cent for golf courses); and~~

~~ii. The impervious surface of the *total developable area* will not exceed 10 per cent; and~~

~~e) At least 30 per cent of the *total developable area* will remain or be returned to *natural self-sustaining vegetation*, recognizing that section 9.4 establishes specific standards for the uses described there.~~

~~4.4.1.4 The Natural Heritage System, including the policies of section 4.4.4, does~~

not apply within the existing boundaries of *settlement areas*, but does apply when considering expansions to *settlement areas* as permitted by the policies of this Plan. The Town should consider the Natural Heritage Systems connections within *settlement areas* when implementing municipal policies, plans and strategies.

4.4.1.5 Towns/Villages are not permitted to expand into the Natural Heritage System.

#### **4.4.2 Water Resource System Policies**

The following Water Resource System policies apply throughout the Protected Countryside:

4.4.2.1 The Town shall provide for a comprehensive, integrated and long-term approach for the protection, improvement or restoration of the quality and quantity of water. Such an approach shall consider all hydrologic features, areas, and functions, and shall include a systems approach to the interrelationships among *key hydrologic features* and *key hydrologic areas*.

4.4.2.2 Watersheds are the most meaningful scale for hydrological planning. The Town, partnering with the NPCA as appropriate, shall ensure that *watershed planning* is undertaken to support a comprehensive, integrated, and long-term approach to protecting, enhancing, or restoring the quality and quantity of water within a watershed.

4.4.2.3 Water Resource Systems shall be identified, informed by *watershed planning* and other available information, and the appropriate designations and policies shall be applied in the official plan to provide for the long-term protection of *key hydrologic features*, *key hydrologic areas* and their functions.

4.4.2.4 Decisions on allocation of growth and planning for water, wastewater, and stormwater *infrastructure* shall be informed by applicable *watershed planning* in accordance with Provincial Policy.

4.4.2.5 Cross-jurisdictional and cross-watershed impacts need to be considered in the development of watershed plans. The development of watershed plans and watershed management approaches in the Protected Countryside shall be integrated with *watershed planning and management in the NEP*, the ORMCP and any other applicable Provincial Plans.

#### **4.4.3 Key Hydrologic Areas**

*Key hydrologic areas* are areas which contribute to the *hydrologic functions* of

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the Water Resource System. These areas maintain ground and surface water quality and quantity by collecting, storing and filtering rainwater and overland flow, recharge aquifers and feed downstream tributaries, lakes, wetlands and discharge areas. These areas are also sensitive to contamination and feed key hydrologic features and drinking water sources.

*Key hydrologic areas include:*

- Significant groundwater recharge areas;
- Highly vulnerable aquifers; and
- Significant surface water contribution areas.

4.4.3.1 Major development may be permitted where it has been demonstrated that the hydrologic functions, including groundwater and surface water quality and quantity, of these areas shall be protected and, where possible, improved or restored through:

- The identification of planning, design and construction practices and techniques;
- Meeting other criteria and direction set out in the applicable watershed planning or subwatershed plan; and
- Meeting any applicable provincial standards, guidelines and procedures.

4.4.3.2 Section 3.2.4.1 does not apply to major development that is a new or expanding building or structure for agricultural uses, agriculture-related uses or on-farm diversified uses where the total impervious surface does not exceed 10 per cent of the lot.

#### **4.4.4 Key Natural Heritage Features and Key Hydrologic Features Policies**

*Key natural heritage features include:*

- Habitat of endangered species and threatened species;
- Fish habitat;
- Wetlands;
- Life science areas of natural and scientific interest (ANSIs);
- Significant valleylands;
- Significant woodlands;
- Significant wildlife habitat (including habitat of special concern species);
- Sand barrens, savannahs and tallgrass prairies; and
- Alvars.

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Key hydrologic features include:

- Permanent and intermittent streams;
- Lakes (and their littoral zones);
- Seepage areas and springs; and
- Wetlands.

For lands within a key natural heritage feature or a key hydrologic feature in the Protected Countryside, the following policies shall apply:

4.4.4.1 Development or site alteration is not permitted in key hydrologic features and key natural heritage features within the Natural Heritage System, including any associated vegetation protection zone, with the exception of:

- Forest, fish and wildlife management;
- Conservation and flood 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; or
- Infrastructure, aggregate, recreational, and existing uses, as described by and subject to the policies of section 4.4.5, 6.2.2 and Section 9.

4.4.4.2 Beyond the Natural Heritage System within the Protected Countryside, key hydrologic features are defined by and subject to the policies of section 4.4.4.

4.4.4.3 Beyond the Natural Heritage System within the Protected Countryside, key natural heritage features are not subject to the policies of section 4.4.4, but are to be defined pursuant to, and subject to the policies of, the PPS.

4.4.4.4 In the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, the minimum vegetation protection zone shall be a minimum of 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.

4.4.4.5 A proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System or a key hydrologic feature anywhere within the Protected Countryside requires a natural heritage evaluation or a hydrological evaluation which identifies a vegetation protection zone which:

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a) Is of sufficient width to protect the *key natural heritage feature* or *key hydrologic feature* and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function; and

b) Is established to achieve and be maintained as *natural self-sustaining vegetation*.

4.4.4.6 A proposal for new *development* or *site alteration* within the Natural Heritage System is not subject to section 4.4.4.5 where the only *key natural heritage feature* is the *habitat of endangered species and threatened species*.

4.4.4.7 Notwithstanding section 4.4.4.5, new buildings and structures for *agricultural, agriculture-related* or *on-farm diversified uses* are not required to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre *vegetation protection zone* is provided from a *key natural heritage feature* or *key hydrologic feature*. In addition, these uses are exempt from the requirement to establish a condition of natural, *self-sustaining vegetation* if the land is and will continue to be used for *agricultural purposes*. However, *agricultural, agriculture-related* and *on-farm diversified uses* shall pursue best management practices to protect and/or restore *key natural heritage features* and *key hydrologic features* and functions.

4.4.4.8 Notwithstanding sections 4.4.4.4 and 4.4.4.5, within the Niagara Peninsula Tender Fruit and Grape Area, new buildings or structures for *agricultural, agriculture-related* and *on-farm diversified uses* are permitted within 30 metres of *permanent* and *intermittent streams*, where:

a) The *permanent* or *intermittent stream* also functions as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping;

b) A minimum 15 metre *vegetation protection zone* is established between the building or structure and the *permanent* or *intermittent stream*; however, this *vegetation protection zone* is not required to be maintained as *natural self-sustaining vegetation* if the land is and will continue to be used for *agricultural purposes*;

c) There is no alternative location for the building or structure on the property without impacting lands that are in specialty crop production;

d) A new *individual on-site sewage* system will not be located within 30 metres of the stream; and

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~~e) *Agricultural, agriculture-related and on-farm diversified uses shall pursue best management practices to protect or restore key hydrologic features and functions.*~~

#### **4.4.25 Recreational Uses on Lands Subject to the Greenbelt Plan**

4.4.25.1 Residential dwelling units other than for an employee shall not be permitted in association with recreational uses.

4.4.25.2 An application to establish or expand a major recreational use in the *GBNHS* shall be accompanied by a vegetation enhancement plan that incorporates planning, design, landscaping and construction measures that:

- a) maintain or, where possible, enhance the amount of natural self-sustaining vegetation on the site and the connectivity between adjacent *natural heritage features and areas* or hydrologic features;
- b) wherever possible, keep intermittent stream channels and drainage swales in a free-to-grow, low-maintenance condition;
- c) minimize the application and use of pesticides and fertilizers; and
- d) locate new natural self-sustaining vegetation in areas that maximize the *ecological functions* and ecological value of the area.

4.4.25.3 An application to expand or establish a major recreational use shall be accompanied by a conservation plan demonstrating how water, nutrients, and biocide use shall be kept to a minimum, including establishing and monitoring targets.

4.4.25.4 Small-scale structures for recreational uses, including but not limited to, boardwalks, footbridges, fences, docks and picnic facilities, are permitted within *natural heritage features and areas* and hydrologic features; however, the number of such structures and the *negative impacts* on these features should be minimized. In order to determine potential impacts, the Town may require that an environmental impact study and/or hydrological evaluation be prepared.

#### ~~**4.4.3 Niagara Peninsula Tender Fruit and Grape Area**~~

~~4.4.3.1 Notwithstanding any other policies in this Plan, within the Niagara Peninsula Tender Fruit and Grape Area, new buildings or structures for agricultural, agriculture-related and on-farm diversified uses are permitted within 30 metres of permanent and intermittent streams, where:~~

- a) ~~the permanent or intermittent stream also functions as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping;~~
- b) ~~a minimum 15 metre *vegetation protection zone* is established between the building or structure and the permanent or intermittent stream; however, this *vegetation protection zone* is not required to be maintained as natural self-sustaining vegetation if the land is and will continue to be used for agricultural purposes;~~
- c) ~~there is no alternative location for the building or structure on the property without impacting lands that are designated specialty crop area;~~
- d) ~~a new or replacement individual on-site sewage system will not be located within 30 metres of the stream; and~~
- e) ~~*agricultural uses, agriculture-related uses and on-farm diversified uses* shall pursue best management practices to protect or restore hydrologic features and functions.~~

**4.4.6 Additional Policies**

~~4.4.6.1 Pursuant to the *Greenbelt Act, 2025*, the Greenbelt Plan prevails over any Local Official Plan or Zoning By-law where conflicts occur between them. All land that has been identified as Greenbelt within this Official Plan is subject to the applicable Greenbelt Plan policies, as amended.~~

~~4.4.6.2 The boundary of the Greenbelt Plan area is fixed and inflexible and shall only be changed by an amendment to the Greenbelt Plan. Should the Greenbelt Plan area be amended, the boundary shown on the schedules of this Plan shall be revised to comply without an amendment to this Plan.~~

~~4.4.6.3 When commenting on a Development Permit Application for a proposed development within the Greenbelt Plan area, the Town shall apply the policies of the Greenbelt Plan, unless there are more specific or restrictive policies in this Plan that do not conflict with the Greenbelt Plan.~~

~~4.4.6.4 Policies for Mineral Aggregate Resources located within the Greenbelt Plan area are found in Section 9.5.4.~~

**4.4.4Z Fonthill Kame-Delta Earth Science Area of Natural Scientific Interest (ANSI)**

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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 the Niagara Region at 290 metres above sea level. This creates a unique microclimate that supports the production of tender fruits. The Fonthill Kame-Delta ANSI captures the best representation of five identifiable geomorphic themes that made up the landform and which serve to demonstrate the sequence of post-glacial events. The Fonthill Kame-Delta ANSI is identified on Schedule B2 of this Plan.

Given the significance and uniqueness of the landform feature, the town prioritizes the protection and/or maintenance of the Fonthill Kame-Delta ANSI subject to the Greenbelt Plan and policies of this Plan. The Town will work with public and private stakeholders to ensure the long-term protection of the feature through public ownership and conservation easements.

- 4.4.47.1 *Development and site alteration* shall not be permitted within the Fonthill Kame-Delta ANSI or within 50 metres of the feature unless it can be demonstrated that there will be no *negative impacts* on the geologically *significant* features or the interpretative and scientific value for which the earth science area of natural and scientific interest was identified. Applications for *development and site alteration* with the potential for *negative impacts* shall be accompanied by an earth science heritage evaluation which shall be reviewed in consultation with the Provincial Ministry with jurisdiction. The earth science heritage evaluation shall:
- a) identify planning, design and construction practices that will ensure protection of the geological or geomorphological attributes for which the earth science area of natural and scientific interest was identified; and
  - b) determine whether a *buffer* is required, and if so, specify the width of that *buffer*.
- 4.4.47.2 Notwithstanding Policy 4.4.47.1, policies related to the Fonthill Kame-Delta ANSI are not intended to limit the ability of *agricultural uses* to continue. It is recommended, however, that *agricultural uses* pursue best management practices in order to protect the Fonthill Kame-Delta ANSI and its *ecological functions*.
- 4.4.47.3 Notwithstanding Policy 4.4.47.1, a new *mineral aggregate operation* or wayside pits and quarries may only be considered as outlined in Section 9.4.5 of this Plan. ~~on primary and secondary selected sand and gravel~~

~~resources of the Fonthill Kame, as identified by Aggregate Resources Inventory Paper #4, if the applicant demonstrates that:~~

- ~~a) substantially the same land area shall 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 surrounding area may be dependent for specialty crop production shall be maintained or restored; and~~
- ~~c) rehabilitation, mitigation, or compensation methods that recreate the landform or enhance educational and scientific values shall be considered appropriate in assessing negative impacts related to new or expanding *mineral aggregate operations* within the Fonthill Kame-Delta ANSI.~~

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## 4.5 Niagara Escarpment Plan Area

On February 8, 1990, the Bureau of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Man and Biosphere program approved the designation of the Niagara Escarpment as a Biosphere Reserve. The Niagara Escarpment is a prominent and environmentally *significant* landform in the Town of Pelham and covers approximately 20 per cent of the Town's total land area.

The Niagara Escarpment is the source of some of southern Ontario's prime rivers and streams and one of the provinces principal outdoor recreation areas and is a key component to the Niagara micro-climate for growing grapes and tender fruit.

The Niagara Escarpment Commission is an agency of the Government of Ontario which is responsible for administering the Niagara Escarpment Plan (NEP). The NEP is a Provincial land use plan which includes evaluating applications to amend the Niagara Escarpment Plan and applications for *development* permits within the Area of *Development* Control.

### 4.5.1 Policies

- 4.5.1.1 Pursuant to the *Niagara Escarpment Planning and Development Act*, the Niagara Escarpment Plan prevails over any Local Official Plan or Zoning By-law where conflicts occur between them.
- 4.5.1.2 Policies that are more rigorous or restrictive than the Niagara Escarpment Plan policies are not interpreted to conflict with the Niagara Escarpment Plan based on policy 4.5.1.1, with the exception of mineral aggregate policies listed in section 9.6.
- 4.5.1.3 The outer boundary of the Niagara Escarpment Plan Area (NEPA) is fixed and inflexible and shall only be changed by an amendment to the Niagara

Escarpment Plan. Should the NEPA be amended by the Niagara Escarpment Commission, the NEPA boundary as shown on the Schedules of this Plan shall be revised to comply without an amendment to this Plan.

- 4.5.1.4 All new *development* requires a *Development* Permit from the NEC. Within the NEPA, *development* includes a change in the use of any land, building or structure.
- 4.5.1.5 When commenting on a *Development* Permit Application for a proposed *development*, the Town shall apply the policies of the Niagara Escarpment Plan except where there are more specific or restrictive policies in this Plan that do not conflict with the Niagara Escarpment Plan, in which case Staff will request the Niagara Escarpment Commission to apply the more specific or restrictive policies when rendering a decision on an application.
- 4.5.1.6 The establishment of a new waste disposal site is not permitted in the Niagara Escarpment Plan Area.

## **4.6 Other Natural Environment System Policies**

### **4.6.1 Fish habitat**

- 4.6.1.1 *Development* or *site alteration* shall not be permitted in *fish habitat* except in accordance with Federal and Provincial requirements. In order to determine whether a *fish habitat* is present, proponents of the *development* or *site alteration* shall be required to screen for the presence of *fish habitat* to the satisfaction of the Town.
- 4.6.1.2 If a *fish habitat* is determined to be present, a *fish habitat* assessment undertaken by a qualified professional shall be required for *development* or *site alteration* within or adjacent to the *fish habitat*. *Development* or *site alteration* may be exempt from this requirement provided that:
  - a) the *development* satisfies Federal and Provincial requirements or has been specifically authorized by the appropriate approval authority; and
  - b) the regulated *setback*, vegetated shoreline, stormwater management and slope-related policies of this Plan are met.

### **4.6.2 Habitat of Endangered Species and Threatened Species**

- 4.6.2.1 *Development* or *site alteration* shall not be permitted in the habitat of endangered and *threatened species* except in accordance with Federal or Provincial requirements.

4.6.2.2 Where the potential for the habitat of endangered and *threatened species* is identified, the proponent shall contact the Provincial Ministry with jurisdiction for technical advice and to delineate and confirm the presence of habitat.

4.6.2.3 To determine the presence of and assess the impacts that proposed *development* and activities may have on the *habitat of endangered species and threatened species*, a site assessment by a qualified professional is generally required to be completed using accepted protocols. The assessment shall identify whether the habitat is present and whether the proposed activities will impact endangered and *threatened species* or their habitat. The site assessment may be combined with a broader environmental impact study. The Province should be contacted for further direction regarding site-specific proposals.

4.6.2.4 It is the responsibility of a proponent to work directly with the Province to determine that the *Endangered species Act* has been, or will be, complied with as a condition of any permit received from the Provincial Ministry with jurisdiction.

### **4.6.3 Supporting Features and Areas**

4.6.3.1 *Supporting features and areas* are lands that have been restored or have the potential of being restored, and include:

- a) grasslands, thickets, and meadows that support the *ecological functions* of adjacent natural heritage features and areas, hydrologic features, and/or *natural heritage features and areas*;
- b) *valleylands*, which includes lands that may have ecological and/or *hydrologic functions*, that are not *significant valleylands*, and are not the site of a permanent or intermittent stream that is regulated by the *Conservation Authority*;
- c) *wildlife habitat* that is not considered to be *significant wildlife habitat*; and
- d) enhancement areas.

4.6.3.2 The presence of *supporting features and areas* shall be screened for by a proponent when an environmental impact study and/or hydrological evaluation is required to support a *development* or *site alteration* application both inside and outside of *settlement areas* or when a *subwatershed* study is being undertaken.

4.6.3.3 If *supporting features and areas* are identified through an environmental impact study, hydrological evaluation, or *subwatershed* study, an evaluation shall determine:

- a) the extent of the supporting feature or area along with its *ecological functions* and relationship to nearby ~~natural heritage features and areas, hydrologic features and/or natural heritage features and areas~~;
- b) whether the supporting feature or area should be protected because it supports the ecological and/or *hydrologic functions* of nearby natural heritage features and areas, ~~hydrologic features and/or natural heritage features and areas~~; and
- c) the conditions to be attached to approve the proposed *development* or *site alteration*.

#### 4.6.4 Natural Features that Have Been Disturbed

4.6.4.1 Where a *natural heritage features and area*, ~~or hydrologic feature~~ has been removed without authorization, as required in advance of making, or prior to the approval of, an application for *development* or *site alteration*, Regional, Local, and/or *Conservation Authority* staff shall use all available information to determine the limit and classification of the feature that existed and restoration of the feature shall be required through the approval of the application for *development* or *site alteration*.

4.6.4.2 Where a *natural heritage features and area*, ~~or hydrologic feature~~ has been removed without authorization, as required in advance of making, or prior to the approval of, an application for *development* or *site alteration*, and is also regulated by the *Conservation Authority* the owner may be subject to the compliance and enforcement policies of the *Conservation Authority*.

#### 4.6.5 Cultural and Regenerating Woodlands

4.6.5.1 The *ecological functions* of some *significant woodlands* or *other woodlands* in *settlement areas* may be substantially compromised as a result of prior land use activity and as a result would be difficult to restore and/or manage as a native *woodland* in an urban setting. In these circumstances, consideration can be given to reclassifying all or a portion of such a *significant woodland* or *other woodland* as a *cultural and regenerating woodland*.

4.6.5.2 If it has been determined, through the completion of an environmental impact study, that a woodland has met all of the criteria ~~outlined in the Appendix 5~~, to be reclassified as a *cultural and regenerating woodland* to the satisfaction of the Town, the removal of the treed area, or a portion thereof,

may be permitted subject to preparing a *woodland enhancement plan* that demonstrates an enhancement in woodland area is achieved, either on the same property or in a reasonable proximity.

- 4.6.5.3 *Woodlands* (including plantations) established and/or managed for the purpose of restoring a native tree community cannot be classified as *cultural and regenerating woodlands*.

#### **4.6.6 Aquatic Species at Risk**

- 4.6.6.1 In accordance with Federal requirements, where *development* or *site alteration* is proposed that could have an impact on aquatic species at risk, an environmental impact study shall be required to demonstrate that:
- a) all reasonable alternatives have been considered to reduce and minimize impacts on natural features and *ecological functions*, and the best solution has been adopted; and
  - b) the proposed *development* or *site alteration* activities will not jeopardize the survival, recovery and conservation of species at risk listed in Schedule 1 of the *Species at Risk Act* or in Ontario Regulation 230/08, including their residences and critical habitat.

#### **4.6.7 Woodland Cover**

- 4.6.7.1 Woodland cover shall be maintained and enhanced in the Town by 2051.
- 4.6.7.2 The Town supports opportunities for the enhancement of woodland cover, which may be achieved through a number of means including, but not limited to:
- a) supporting the *development* and implementation of a Greening initiative;
  - b) supporting regional efforts of tree planting, as well as tree planting programs of the *Conservation Authority* and other public or private organizations;
  - c) private land stewardship that includes protection of existing tree cover and tree planting efforts;
  - d) land acquisition or dedication of private land to the Region, Town, *Conservation Authority*, or other public or private organizations for tree planting and reforestation efforts;

- e) identification of woodland *enhancement areas* through the completion of *watershed* plans, *subwatershed* studies, or similar plans; and
- f) require tree and woodland protection and planting through the *development* application process for *development* or *site alteration*.

#### 4.6.8 Urban Forest

The Town of Pelham's *urban forest* consists of all trees and their growing environments on public and private lands within the Town's boundaries. This forest is crucial in maintaining a healthy, resilient, and sustainable community by offering numerous ecological, social, and economic benefits. These include erosion prevention, hydrological and nutrient cycling, clean air, long-term carbon storage, and creating microclimates that provide shade. Additionally, it supports *wildlife habitats*, enhances connections between natural heritage features, and contributes to visually appealing streetscapes and landscapes. The *urban forest* also offers outdoor recreational opportunities, making it an *essential* component of the Town's overall well-being.

4.6.8.1 The *urban forest* will be managed and protected with the following objectives:

- a) to maintain and increase the Town's current canopy cover from 32% to 40% by 2035;
- b) to improve and expand the species, structural diversity, and overall health; and
- c) to support and encourage the even distribution of the tree canopy across the Town.

4.6.8.2 The Town will encourage tree planting by all community sectors to contribute to achieving the Town's *urban forest* goals and targets.

4.6.8.3 The Town will investigate opportunities to set tree planting, maintenance and tree canopy targets by developing a Town of Pelham *Urban forest* Management Plan. The goals of the Plan may include, but not be limited to:

- a) inventorying Pelham's *urban forest* and monitoring and assessing health, changes and ecosystem services over time;
- b) maintaining the health, structure, functions, and ecosystem services of Pelham's *urban forest*;

- c) growing and enhancing the *urban forest* by increasing the Town's canopy cover and improving species richness, structural diversity, overall health and even distribution across the Town;
- d) developing and implementing a strategic, proactive maintenance program pertaining to trees on public land;
- e) protecting existing trees and their growing environment, woodland ecosystems, and other vegetation; and
- f) encourage all community members to participate in these goals and build strong *urban forest* partnerships to help realize Pelham's vision for *urban forest*.

4.6.8.4 Pelham's *urban forest* will be recognized as *green infrastructure* and a natural asset, and trees and wooded natural areas will be incorporated into municipal asset management planning.

4.6.8.5 Through the *development* review process, the Town will conserve and enhance its *urban forest* resilience by ensuring:

- a) no net *negative impacts* by requiring an arborist report/tree inventory and protection plan, as necessary, that demonstrates tree preservation and protection both pre and post-construction and where preservation of some trees is not feasible, identifies opportunities for replacement to the satisfaction of the Town in compliance with any Town Tree Conservation By-law and associated tree compensation requirements;
- b) the protection of mature tree canopies in existing *settlement areas* is prioritized over removal and replacement or monetary compensation to the greatest extent practical to help maintain the ecological benefits they provide and the character of an area;
- c) where healthy trees are to be protected, appropriate tree protection zones, grading, and building *setbacks* are provided to ensure their long-term health;
- d) the value of healthy mature trees notable for their age, distinctive character, species, rarity, size, and form will be prioritized by striving to protect and integrate them into public spaces;
- e) encouraging the protection of trees that are part of *significant hedgerows* and *cultural heritage landscapes*, mainly through their protection and integration within the public realm;

- f) appropriate planting locations and sustainable growing environments for trees are provided through suitable landscaped areas that include high-quality soil and adequate soil volumes;
- g) the application of best management practices and *green infrastructure* techniques where trees are proposed to be planted in areas of hardscape, such as medians, sidewalks, plazas, parking lots and other public spaces to ensure their long-term survival, growth, and health;
- h) a diversity of tree species is used, including species resilient to a changing climate and
- i) non-native tree and shrub species that are invasive are not used.

4.6.8.6 Required tree replacement/compensation plantings do not replace the standard landscape planting requirements as part of approving any *development* or *site alteration*. Where tree replacement cannot be accommodated on-site, the Town may require cash-in-lieu of replacement trees elsewhere.

4.6.8.7 All public *infrastructure* work will first require an arborist report/tree inventory and protection plan, as necessary, that demonstrates tree preservation and protection both pre- and post-construction, and where preservation of some trees is not feasible, identifies opportunities for replacement. The arborist report/tree inventory and protection plan will be prepared to the satisfaction of the Town, in compliance with the Town's tree compensation requirements, and in accordance with applicable *Conservation Authority* requirements.

4.6.8.8 *Development* and implementation of woodlot management plans may be required prior to the conveyance of *woodlands* to the Town.

4.6.8.9 To support the management, protection, and enhancement of the *urban forest*, the Town will:

- a) continue to promote public awareness and engagement initiatives that educate residents about the value of the Town's *urban forest* and encourage participation in its care and stewardship;
- b) continue to promote the management and enhancement of the *urban forest* on public and private property; and
- c) Work jointly with area municipalities, the Region of Niagara, and the *Conservation Authority* to undertake *urban forest* studies and develop

strategies to support programs and initiatives to maintain and enhance the *urban forest* canopy.

- 4.6.8.10 The Town will exercise the powers and apply the tools provided by legislation to implement and enforce its policies to protect and enhance the *urban forest* and *woodlands*, particularly the *Municipal Act, 2001*, and the *Planning Act*.
- 4.6.8.11 The Town may enact a private tree protection by-law in accordance with the provisions of the *Municipal Act, 2001*.
- 4.6.8.12 At the discretion of the Town, a proponent of *development* or *site alteration* may be required to submit an arborist report and/or tree assessment and preservation plan demonstrating how impacts to on-site and surrounding trees will be mitigated or minimized. Where impacts cannot be avoided, the Town may require tree replacements at a net gain or a cash-in-lieu payment to the Town as a condition of any approval, authorization or permit to remove trees.
- 4.6.8.13 To ensure the long-term viability of trees planted as part of approved *development*, the Town will require appropriate tree species, soil volume, drainage, and technology through by-laws, site plan control, landscape standards, and Green *Development* Standards.
- 4.6.8.14 Planning and *development* approvals should prioritize retaining and protecting large, healthy trees over replacement tree plantings and/or compensation.
- 4.6.8.15 The Town will encourage the planting of native tree species and vegetation that are resilient to *climate change* and provide high levels of carbon sequestration.
- 4.6.8.16 The Town will develop guidelines for tree assessment and preservation plans to minimize impacts to trees on private land.

#### **4.6.9 Wetland Cover**

- 4.6.9.1 *Wetland* cover shall be maintained and enhanced in the Town by 2051.
- 4.6.9.2 The Town supports opportunities to maintain and restore *wetland* functions at a *watershed* and *subwatershed* scale based on historic reference conditions.

#### **4.6.10 Riparian Vegetation Cover**

4.6.10.1 Naturally vegetated riparian areas adjacent to *permanent and intermittent streams, wetlands*, and other waterbodies shall be maintained or enhanced in the Town to support the protection and maintenance of aquatic functions.

4.6.10.2 The Town supports opportunities for enhancement of riparian vegetation cover which may be achieved through a number of means including:

- a) requiring a naturally vegetated shoreline along *permanent and intermittent streams* and adjacent to *wetlands* and waterbodies as part of an application for *development* or *site alteration*;
- b) working with private landowners and the agricultural community to support stewardship efforts such as planting and maintaining riparian vegetation adjacent to watercourses; and
- c) land acquisition or dedication of private land to the Region, Town, *Conservation Authority*, or other public or private organizations for planting and restoration efforts.

#### **4.6.11 Native and Non-Native Species**

4.6.11.1 The Town requires individuals and agencies to use native species appropriate when planting within the *natural environment system* or contiguous to elements of the *natural environment system*. To provide guidance, the Town may prepare a list of non-native species considered invasive and unsuitable for such use and/or a list of adequate native species.

4.6.11.2 The Town will require the planting of appropriate native species as a condition of all *development* and *site alteration* applications where applicable.

4.6.11.3 The Town encourages the use of native species plantings at municipal facilities and along transportation and utility corridors which fall outside the *development* approval process.

### **4.7 Public Health and Safety**

Natural and human-made hazards pose threats to human health, safety and well-being. Natural hazards are naturally occurring processes that create unsafe conditions for *development*, generally identified as flooding, erosion, unstable bedrock and unstable soils. Human-made hazards result from human activities on the landscape, including contaminated sites and *mineral aggregate operations*. *Development* on these sites must be carefully managed to reduce human and environmental health risks.

Natural and human-made hazards may result in constraints to *development* on affected and *adjacent lands*. A precautionary and proactive policy that directs and manages *development* within or adjacent to these areas is intended to ensure safety, prevent loss of life, reduce property damage, limit social disruption, and minimize public and private expenditures.

#### **4.7.1 Natural Hazards**

4.7.1.1 *Development* shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- a) *hazardous lands* adjacent to river, stream, and small inland lake systems which are impacted by *flooding hazards* and/or *erosion hazards*; and
- b) *hazardous sites*.

4.7.1.2 *Development* or *site alteration* shall not be permitted within:

- a) defined portions of the *flooding hazards* along the Welland River;
- b) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards* and *erosion hazards* unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
- c) a *floodway*, regardless of whether the area of inundation contains high points of land not subject to flooding.

4.7.1.3 *Development* shall not be permitted in *hazardous lands* and *hazardous sites* where the use is:

- a) an *institutional use* including hospitals, retirement or long-term care homes, pre-schools, school nurseries, daycares, and schools;
- b) an *essential* emergency service such as that provided by fire, police, and ambulance stations and electrical substations; or
- c) uses associated with the disposal, manufacture, treatment, or storage of *hazardous substances*.

4.7.1.4 Where a two-zone concept for *flood plains* is applied, *development* and site

alteration may be permitted in the *flood fringe*, subject to appropriate flood proofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Provincial Ministry with jurisdiction.

- 4.7.1.5 Further to Policy 4.7.1.4, and except where prohibited in Policy 4.7.1.2, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor and could be mitigated in accordance with Provincial standards; the following criteria will be demonstrated:
- a) *development* and *site alteration* are carried out in accordance with floodproofing, protection works, and *access standards*;
  - b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion, and other emergencies;
  - c) new hazards are not created, and existing hazards are not aggravated; and
  - d) no adverse environmental impacts will result.

### **4.7.2 Wildland Fires**

4.7.2.1 *Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.*

4.7.2.2 *Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.*

4.7.2.3 *The Town may request an assessment undertaken by a qualified professional during the appropriate time of year and using accepted protocols to determine the wildland fire risk and required mitigation measures where development is proposed. The Town may prepare a map to identify areas of potential wildfire risk.*

4.7.2.4 *Mitigation measures required as per Policy 4.7.2.2 to support development in areas shall not negatively impact key natural heritage features, key hydrologic features and/or natural heritage features and areas.*

### **4.7.3 Human-made Hazards**

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4.7.3.1 Development on, abutting or adjacent to lands affected by *mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations* may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

4.7.3.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.

## Section 5: Movement of People and Goods

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The *transportation system* will serve the existing and proposed land use patterns and facilitate the efficient, safe, convenient, and energy-efficient movement of goods and people throughout the Town. The Official Plan recognizes the relationship between land use and all modes of transportation.

Transportation generally accounts for a high percentage of energy use and greenhouse gas emissions. This Plan recommends reducing energy from transportation through measures such as improving access to public transit and encouraging a compact urban form to reduce the number of automobile trips.

An integrated *transportation system* contributes to a *complete community* by designing road networks that ensure pedestrians and cyclists comfortably and safely coexist with motor vehicles, thus improving health and quality of life.

### 5.1 Objectives

- 5.1.1 To provide a *transportation system* involving all transport modes to move people and goods safely, efficiently and economically while contributing positively to the social, cultural and natural environments of the Town.
- 5.1.2 To ensure that the *transportation system* is accessible and meets the needs of all members of the community.
- 5.1.3 To ensure that the *transportation system* is planned, implemented and maintained financially sustainably.
- 5.1.4 To encourage and support walking and cycling as healthy, safe and convenient modes of transportation all year round and ensure that the design of pedestrian and cycling networks are integrated with other modes of transportation.
- 5.1.5 To continue to work with the Niagara Transit Commission on Regional Transit options for the Town that accommodate current and anticipated regional transportation movements
- 5.1.6 To develop and maintain an appropriate hierarchy of roads to ensure the desired movement of people and goods within the Town and coordinate with the Region of Niagara with regards to *development* applications submitted along a regional road including the review of noise studies and the evaluation of urban design.
- 5.1.7 To reduce the amount of energy used for transportation.

5.1.8 To encourage agriculturally compatible road design, where appropriate, that supports and enhances the agricultural system and agri-food network

## **5.2 Transportation System**

- 5.2.1 The Town has jurisdiction over public roads and pedestrian and bicycle path facilities which serve a primary function. Those road facilities which serve Regional and Provincial functions are the responsibility of the Region and the Province of Ontario, respectively.
- 5.2.2 The town will develop and support a diverse *transportation system* supporting various transportation modes, including road, rail, transit, cycling, pedestrian, ~~and~~ transportation demand management and transportation modes that support the agricultural system and agri-food network.
- 5.2.3 The Town will plan, implement and maintain a *transportation system* to facilitate an increase in the non-auto mode shares for average daily trips and a reduction in the energy used for transportation.
- 5.2.4 The Town shall maintain its existing *transportation system* and ensure its sustainability while planning for new *infrastructure development*.
- 5.2.5 *Transportation infrastructure* planning, land use planning, and transportation investment will be coordinated and integrated to implement this plan's growth objectives, ~~and~~ planned urban structure, and the agricultural system and agri-food network.
- 5.2.6 The Town will work with the Niagara Transit Commission to implement inter-regional transit projects that will better serve the Town's public transit needs.
- 5.2.7 A multi-modal approach will be used to plan and implement transportation improvements and encourage the increased use of non-automobile modes of travel.

## **5.3 Barrier-Free Transportation**

- 5.3.1 The Town's *transportation system* shall be developed to be inclusive of the needs of persons with disabilities, seniors, children and those with reduced mobility by:
- a) ensuring that sidewalks are accessible and accommodate people with impaired or reduced mobility;

- b) encouraging the use of voice signals at crosswalks;
- c) ensuring that any transit facilities and stops are accessible and use barrier-free design principles by the Accessibility for *Ontarians with Disabilities Act*;
- d) requiring off-street parking spaces for persons with disabilities through the Zoning By-law; and
- e) accessibility considerations are taken into account when designing the *transportation system*.

## **5.4 Active Transportation**

- 5.4.1 *Active transportation*, which includes pedestrian movement, cycling and any non-motorized modes of transportation, is a component of achieving the Town's transportation, sustainability, community energy and healthy community objectives.
- 5.4.2 The Town supports walking and cycling as priorities when designing the *transportation system*, focusing on connecting land uses to meet the Town's mobility needs.
- 5.4.3 The Town supports the ongoing enhancement of a convenient and safe pedestrian and bicycle system that serves all users and provides access throughout the Town.
- 5.4.4 The following provisions will promote *active transportation* measures:
  - a) ensure that streets, spaces and public facilities are designed to be safe and comfortable for pedestrians and cyclists;
  - b) require, provide and maintain *infrastructure* that maximizes safe and convenient passage for pedestrians and cyclists through the Town;
  - c) ensure that bikeways and pedestrian walkways are integrated into and designed as part of new roadway systems and other *infrastructure* projects in the Town. Special consideration will be given to matters such as bike lanes, separated bikeways and provisions for a comfortable pedestrian environment, which may include shade trees, street furniture, bicycle racks, lighting, signed and safe street crossings and other traffic controls;

- d) require minimum provisions for on-site parking and storage for bicycles and other personal transportation devices in the Zoning By-law for uses such as employment and commercial, schools, and high and *medium-density residential development*;
- e) implement design and maintenance standards which can reduce the risk of collisions and injuries;
- f) provide for unobstructed pedestrian movement by using ramped sidewalk facilities and by offering crossings at reasonable intervals across *significant* barriers and priority crossing as high activity signalized intersections, wherever possible; and
- g) provide linkages between *intensification* areas, major trip generators and adjacent neighbourhoods, including connections, where possible, to inter-*Municipal Active* transportation networks.

5.4.5 If rail lines within the Town become abandoned or opportunities for multi-use rail corridors become available, the Town will actively promote the provision of bicycle and pedestrian paths along these corridors, where appropriate.

## **5.5 Public Transit**

5.5.1 The Town shall continue to work with the Niagara Transit Commission to increase public transit options for the Town and promote *total developable area* land use *development*.

5.5.2 The Town shall explore opportunities for providing public transit, including coordinated transit planning with adjacent municipalities.

5.5.3 To ensure that public transit is an attractive, energy-efficient and convenient means of travel, the Town will:

- a) plan for compact urban form by promoting mixed and *total developable area* land uses, urban *intensification*, a strong downtown and corridors between urban areas;
- b) ensure the creation of a road network that permits reasonable walking distances to and from potential transit stop locations for a majority of residences, jobs and other activities in the area;
- c) ensure that the phasing of new *development* allows for the provision of transit service when it is available in the early phases of new growth so that using transit is a viable option for the initial occupants; and

- d) Consider the impacts on transit when planning the locations for higher-density housing, commercial, and employment areas.

## **5.6 Road Network**

An efficient road network will accommodate all modes of travel, including vehicular traffic, and a reasonable level of service.

- 5.6.1 Road right-of-ways will be planned and designed to enable safe and comfortable use by all users, including pedestrians, cyclists, motorists and transit riders of all ages and abilities.
- 5.6.2 Generally, private roads should be discouraged. Where permitted, they shall generally be designed to be publicly accessible.
- 5.6.3 *Development* will generally be restricted on non-winter-maintained roads, private roads, unopened road allowances, and individual rights-of-way unless an agreement on services is registered on the title.
- 5.6.4 The town will use various design mechanisms and operational techniques to promote the efficient utilization of its road system, such as requiring shared driveways in commercial strips and synchronized traffic signals.
- 5.6.5 All roads, existing and proposed within the Town, will have regard to the Town's Engineering Standards with respect to road design, including width, right-of-way requirements, landscaping and general road design practices.

## **5.7 Functional Hierarchy of Roads**

The functional hierarchy of roads is identified on Schedule C: Transportation and includes the following:

### **5.7.1 Regional Roads**

- 5.7.1.1 Regional roads carry traffic through and to the Town as part of the regional road network.
- 5.7.1.2 All *development* abutting a regional road shall be subject to the jurisdiction of the Region of Niagara.

- 5.1.7.3 As conditions of the approval of a *development* application under the Planning Act:
- a) the Region may acquire land from the landowner required for the road allowance as identified in Table 5.1, at no cost to the Region and free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region; and
  - b) the Region shall be provided with a certificate of an Ontario Land Surveyor noting that all legal survey documentation on the widened road allowance is in place.
- 5.1.7.4 The conveyance of land shall be required at no cost to the Region as a condition of the approval of a *development* application, beyond the designated road allowance widths identified in Schedule M, to accommodate items such as sight triangles, turning lanes, channelization, grade separations, traffic control devices, rapid transit, public transit facilities and rights-of-way, active transportation, cuts, fills and storm drainage requirements, as required to meet accepted engineering design standards. These do not require an amendment to this Plan.
- 5.1.7.5 Further to Policy 5.1.7.4, the Region may, without an amendment to this Plan, update the designated road allowance widths in Table 5.1 where an alternate width has been approved through a completed Municipal Class Environmental Assessment.
- 5.1.7.6 Additional land that exceeds the road allowance widths identified in Table 5.1 or Policy 5.1.7.4 may be acquired by the Region at its own expense, without an amendment to this Plan.
- 5.1.7.7 Land for Regional Road widenings will be required equally from both sides of the centreline of the designated Regional Road unless existing land uses, topographic features or other physical or environmental constraints necessitate taking greater widening on one side than the other.
- 5.1.7.8 As part of the *development* application process, a road allowance not yet owned by the Region and identified in the Region's Transportation Master Plan should be protected in the following cases:
- a) a local street that could be ultimately assumed by the Region; and
  - b) plans for the extension of an existing road allowance.

**Table 5.1 Regional Road Allowance Widths**

Regional Road #	Road Name	Road Segment	Width in Metres
20*	Highway 20 West	Western Boundary of Pelham – Lookout Street	35.0
		Lookout Street – Haist Street	26.2
		Haist Street – Pelham Street	20.1
	Highway 20 East	Pelham Street – Station Street	20.1
		Station Street – Eastern Boundary of Pelham	30.5
24	Victoria Avenue	Southern Boundary of Pelham – Northern Boundary of Pelham	30.5
29	Webber Road	Victoria Avenue – Murdock Street	30.5
37	Merrit Road	Rice Road – Eastern Boundary of Pelham	26.2
54	Rice Road	Southern Boundary of Pelham – Highway 20	26.2
69	Twenty Road	Victoria Avenue – Northern Boundary of Pelham	26.2
529	River Road	Airport Entrance – Effingham Street	26.2
	Effingham Street	River Road – Webber Road	26.2
627	O’Rielly’s Road	Southern Boundary of Pelham – River Road	26.2

\*Regional Road 20 is under the jurisdiction of Niagara Region, but retains the name Highway 20

5.1.7.9 Regional site triangle requirements are required on all Regional Roads in accordance with the Table 5.2.

**Table 5.2: Minimum Site Triangle Requirements**

Regional Intersection Type	Minimum Site Triangle Dimension Requirements
Urban (signalized)	10m x 10m
Urban (non-signalized)	6m x 6m
Rural	15m x 15m

### 5.7.2 Arterial Roads

- 5.7.2.1 Arterial roads are intended to move moderate to large traffic volumes over moderate distances within the Town and direct it to the regional road network.
- 5.7.2.2 Direct access from arterial for *significant developments* to individual properties may be restricted to avoid interference with the primary function of the roadway unless traffic impacts have been assessed and, if required, mitigated.
- 5.7.2.3 Arterial roads 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.

- 5.7.2.4 In certain instances, on-street parking may be permitted in conjunction with street-oriented *development* to achieve the urban design objectives and functions of this Plan. In these instances, special design provisions will be incorporated within the street right-of-way to ensure the safe passage of traffic for pedestrians, cyclists, transit users, and motorists while also permitting motor vehicle movement.

### **5.7.3 Collector Roads**

- 5.7.3.1 Collector roads are intended to move low to moderate traffic volumes within specific areas of the Town and collect local traffic for distribution to the arterial or regional road system.
- 5.7.3.2 Direct access to private property may be controlled to avoid traffic hazards.
- 5.7.3.3 Collector roads 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.
- 5.7.3.4 Parking may be permitted when parking needs have been identified and can be safely accommodated with abutting land uses.

### **5.7.4 Local Roads**

- 5.7.4.1 Public roads not otherwise identified in the functional hierarchy shall be considered local.
- 5.7.4.2 Local roads provide low traffic volume and access to abutting private property.
- 5.7.4.3 Local roads are designed for low speed, having capacity for two lanes of undivided traffic with through traffic discouraged.
- 5.7.4.4 Local roads 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.
- 5.7.4.5 Parking may be permitted where appropriate.
- 5.7.4.6 The desirable right-of-way width shall range from 18 to 20 metres.
- 5.7.4.7 It is recognized that local roads of less than 18 metres presently exist, and widening to achieve the desirable minimum may not be practical.

### **5.7.5 Seasonal Roads**

- 5.7.5.1 Seasonal roads are those that the Town does not assume for winter maintenance purposes.
- 5.7.5.2 Where the Town proposes to assume a seasonal road to provide winter maintenance, an amendment to this Plan will be required to change the road classification.

### **5.7.6 Laneways**

- 5.7.6.1 Laneways may be either public or privately owned to the satisfaction of the Town. They will provide vehicular access to garages or parking facilities for grade-related low-rise, mid-rise and high-rise residential and mixed-use buildings.
- 5.7.6.2 Laneways are planned to be located at the rear of properties.
- 5.7.6.3 Where laneway-based *development* is provided, the following shall generally apply:
  - a) laneways shall be used to provide access to garages where front-facing garages are not permitted;
  - b) a maximum right-of-way width of 9 metres shall be permitted for laneways for grade-related residential dwelling blocks. Wider laneways may be required for blocks sited with low-rise apartments, mid-rise and high-rise buildings, and
  - c) permeable materials shall be encouraged in lane construction to assist in stormwater management within the community.

### **5.7.7 Other Road Types**

- 5.7.7.1 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 owned and maintained by a public authority for only a part of the year.

- 5.7.7.2 All lots that front any of the roads identified in Section 5.7.7.1 shall be subject to Site Plan Control and may be subject to a Holding Provision in the 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 Council passes the Zoning By-law until the applicant satisfies the requirements for removing the Holding Symbol.
- 5.7.7.3 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. The Committee of Adjustment may grant new rights-of-way, in the form of private driveways for access only to presently land-locked parcels, 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 maintained year-round and of a standard acceptable to the Town and have regard to the Town's Engineering Standards.

## **5.8 Road Design**

- 5.8.1 The Town will ensure that any impacts on the *Natural Environment System* and cultural heritage resources are addressed in the design process for road projects, as required by the provisions of this Plan.
- 5.8.2 The Town shall have regard for and, when necessary, will require measures to mitigate adverse impacts on cultural heritage resources, especially the character of landscapes, streetscapes, treelines, bridges, views and points of scenic interest and the prevailing pattern of settlement, when considering the construction of new roads and road improvements, including road re-alignment and road widening.
- 5.8.3 The road system in new *development* areas will be connected to the existing road network, facilitating linkages between existing and future *development* and ensuring continuity of sidewalks, bicycle facilities, and transit routes as applicable. The road network design will minimize travel distances for pedestrians, cyclists, and transit and shall generally be a modified grid.
- 5.8.4 Road design will incorporate streetscape and design elements determined through the road design processes that are consistent with the urban design objectives of this Plan where appropriate based on the road's planned function and have regard to the Town's Engineering Standards.
- 5.8.5 The Town will require the submission of Traffic Impact Studies for *development* proposals considered *significant* traffic generators along arterial and collector roads to determine whether the *development* would compromise the road's planned function.

- 5.8.6 The Town shall consider road designs that are innovative in terms of environmental considerations and that support pedestrians, cycling and transit.
- 5.8.7 When developing road cross-section designs as part of alternative *development* standards, the Town will consider all modes of transportation and how to create a strong pedestrian realm in accordance with this plan's urban design objectives.
- 5.8.8 The Town will consider the impact of existing utility *infrastructure* and opportunities for enhancement or replacement as part of road improvement or maintenance projects through discussion with utility providers.
- 5.8.9 The Town will work with the Region to support the design of Regional Roads within the downtown and community core areas to:
- a) function as flexible spaces to support place-making, temporary community events and initiatives to support complete communities;
  - b) encourage the creation of seasonable outdoor patios and seating areas;
  - c) improve accessibility;
  - d) include pedestrian and cycling infrastructure; and
  - e) give priority to pedestrian and cycling infrastructure where sufficient street parking can be provided.

## **5.9 Trucking and Goods Movement**

- 5.9.1 The Town will coordinate with the Region of Niagara and other local municipalities to plan and design an efficient goods management system that minimizes community and traffic impacts.
- 5.9.2 Truck traffic in the Town shall be managed by:
- a) directing it away from, or around, residential or *sensitive* areas where road capacities are inadequate or where there is a potential for noise and/or safety hazards;
  - b) designating, establishing and monitoring truck routes in coordination with the Region;

- c) 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
- d) discouraging the movement of heavy truck traffic on all collector and local streets in residential areas.

## **5.10 Railways**

- 5.10.1 The Town shall support and protect the Canadian Pacific rail line for freight movement and limit conflicts with vehicular traffic and adjacent land uses.
- 5.10.2 Consultation is required with Canadian Pacific Railway, where applicable, for any *development*, *redevelopment* or *site alteration* adjacent to or within the vicinity of railway main line or spur line right-of-ways. Noise, vibration, drainage and other studies may be required to evaluate *development*, *redevelopment* or *site alteration*. Noise and vibration attenuation, minimum building, structure and use setbacks from the rail right-of-way, berming, *buffering*, safety features, and other mitigative measures may be required, as well as safety clauses, warning clauses, environmental easements and assigning of rights-of-way.
- 5.10.3 The Town will work with the Province to plan for and expedite improvements to major goods movement facilities and corridors and planned corridors to support freight-supportive employment *development* and *redevelopment*.

## **5.11 TransCanada Pipeline**

TransCanada PipeLines Limited (TCPL) operates one high pressure natural gas pipeline within its right-of-way crossing the Town.

### **5.11.1 Policies**

- 5.11.1.1 *Development* resulting in increased population density in proximity to TCPL's right-of-way and compressor stations may result in TCPL being required to replace its pipeline(s) to comply with CSA Code Z662. Early consultation with TCPL or its designated representative, for any *development* proposals within 200 metres of its pipelines and within 750 metres of TCPL's compressor station should be undertaken to ensure TCPL can assess potential impacts and provide recommendations to avoid adverse impacts to its facilities.
- 5.11.1.2 TCPL is regulated by the Canadian Energy Regulator which has a number of requirements regulating *development* in proximity to its pipelines. This includes approval requirements for activities within 30 metres of the pipeline

centreline, such as conducting a ground disturbance, constructing or installing a facility across, on, or along the pipeline right-of-way, driving a vehicle, mobile equipment or machinery across the right-of-way, and the use of explosives.

- 5.11.1.3 A minimum setback of seven metres shall be provided from the edge of the right-of-way for all permanent buildings and structures. Accessory buildings and structures shall have a minimum setback of at least three metres from the edge of the right-of-way.
- 5.11.1.4 A minimum setback of seven metres shall be provided from the edge of the pipeline right-of-way for: a. road rights-of-way (paralleling pipeline rights-of-way), private driveways, parking spaces and parking areas; and b. stormwater management facilities.
- 5.11.1.5 Throughout any built-up areas, the TCPL's right-of-way is encouraged to be designated for passive parkland or open space use.

## **5.12 Parking**

### **5.12.1 Policies**

- 5.12.1.1 The Town will ensure that adequate parking facilities are provided to meet the parking demands generated by various land uses. These requirements will be explicitly outlined in the Town's Zoning By-law.
- 5.12.1.2 Parking standards and regulations for all land uses shall promote accessibility, safety, *active transportation* options and the efficient use of land.
- 5.12.1.3 The Town may require *infrastructure* for the provision of Electric Vehicle charging facilities as a condition of *development* or a standard for parking requirements.
- 5.12.1.4 To ensure safe and efficient movement of all users, parking facilities
- 5.12.1.5 The Town may acquire, develop and operate parking facilities.
- 5.11.1.6 The Town, under applicable legislative authority, may implement provisions for payment instead of the provision of parking for components of a required parking supply by any applicable implementation By-law or agreement.
- 5.12.1.7 Reduced parking requirements may be considered part of a parking study, particularly within the Downtown Transition Area or for *affordable* housing.

5.12.1.8 The Town may develop zoning regulations for shared parking arrangements between multiple facilities to optimize the staggered nature of parking demand on a time-of-day, weekday/weekend, and monthly basis.

~~5.12.1.9 Any modifications to the parking requirements of this Plan or the Town's Zoning By-law will require a zoning by-law amendment.~~

### **5.12.2 Off-Street Parking Requirements**

5.12.2.1 The Town shall specify off-street parking requirements and may establish minimum and maximum parking requirements in the Zoning By-law, where appropriate.

5.12.2.2 Off-street parking areas and facilities shall be provided through zoning and site plan requirements.

### **5.12.3 On-Street Parking Requirements**

5.12.3.1 On-street parking is permitted on all arterial, collector or local roads within the *settlement area* boundary, where feasible, unless otherwise signed.

5.12.3.2 No on-street parking is permitted during winter maintenance operations.

5.12.3.3 The availability of on-street parking is not considered a parking space for any regulated use.

## **Section 6: Municipal Services and Infrastructure**

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The provision of *infrastructure*, including drinking water, wastewater, stormwater and waste management, and electrical and telecommunication services, all support *development*. The provision of these services will be financially viable and manage demand and optimize existing *infrastructure* in order to reduce the need for new facilities. The Town is not responsible for providing all of these services but plays a collaborative role in ensuring that these are provided efficiently. Additionally, this Section includes provisions for controlling *site alteration*.

### **6.1 Objectives**

- 6.1.1 To encourage the efficient use of municipal services and utilities.
- 6.1.2 To ensure full municipal services are provided for all forms of *development* with the Settlement Boundary.
- 6.1.3 To ensure that all new lot creation outside of the Settlement Boundary establishes and maintains sustainable private services in perpetuity where municipal water and/or wastewater services are unavailable.
- 6.1.4 To ensure groundwater resources, on which Pelham's water supply is based in the rural area and which sustain the area's natural environment, are respected, protected and *conserved*.
- 6.1.5 To promote the retention, repair and upgrading of *infrastructure* in older parts of the Town.
- 6.1.6 To consider the impacts of a changing climate, including assessing *infrastructure* risks and vulnerabilities and identifying strategies to address these challenges.
- 6.1.7 To promote and encourage good drainage practices in order to mitigate drainage issues in the *settlement area*, especially for infill and *intensification development* and *redevelopment* and in the rural area around municipal drains.

### **6.2 Servicing and Utilities**

- 6.2.1 The Town will ensure the fiscal sustainability of *infrastructure* and utilities per the recognized urban *development* standards for *infrastructure* and utilities in the *settlement areas* and the rural standards in areas outside the *settlement areas*.

- 6.2.2 The Region shall provide infrastructure and services within its jurisdiction to accommodate existing *development* and anticipated growth within the financial capability of the Region.
- 6.2.3 The Town will ensure there is an adequate supply of serviced land and *intensification* opportunities to meet future *development* needs.
- 6.2.4 The provision and extensions of full municipal services and utilities to all new *developments* within the Town's *Settlement area* Boundaries will be required. Full municipal services shall include facilities for:
- a) sanitary sewage disposal;
  - b) water supply;
  - c) stormwater management;
  - d) solid waste management, subject to approval process;
  - e) electrical power; and
  - f) transportation networks, including public transit where applicable, and pedestrian and cycling networks.
- 6.2.5 Within the *Settlement area*, electrical and cabled services within new *developments* shall be located underground. Providers are encouraged to relocate electric and cable services underground upon replacement.
- 6.2.6 The Town shall ensure that before permitting a *development* proposal, adequate provision is made for municipal water, wastewater treatment, solid waste, and stormwater management facilities to accommodate the *development*. The Town is responsible for ensuring the provision and capacity of the distribution system for water and wastewater systems. The Niagara Region is responsible for the provision and capacity of the trunk system and treatment facilities for water and wastewater facilities and solid waste management. The Region shall ensure that there is the required water and wastewater servicing capacity available to support *development* prior to their approval. The roles and responsibilities for stormwater management include the Town, the Region and the *Conservation Authority*.
- 6.2.7 Private lateral connections of Regional water or wastewater mains are discouraged.
- 6.2.8 The Town will consult with utility providers to facilitate the efficient provision of services.

- 6.2.9 Town Council may pass by-laws and enter into agreements, including financial arrangements with property owners for the installation of municipal services.
- 6.2.10 The Town will consider using alternate *development* standards to provide municipal services where the effectiveness and efficiency of the service are retained and when *development* cost savings and energy efficiencies may be realized.
- 6.2.11 The Town will guide the direction, location, scale and timing of *development* to ensure compact, orderly *development* and to minimize the cost of municipal services and related *infrastructure*.
- 6.2.12 The Town and the Region will endeavour to:
- a) ensure new *development* will not put the Town of Region out of compliance with regulations and will consider opportunities to maintain or reduce wet weather overflow occurrence; and
  - b) provide reliability, redundancy and security in its water and wastewater systems with attention to high-risk and critical areas.
- 6.2.13 The Town will ensure full utilization of existing municipal services and utilities and conservation measures as appropriate.
- 6.2.14 The Town will ensure that *infrastructure* and public service facilities are provided in a coordinated, efficient, integrated and cost-efficient manner to meet current and projected needs including:
- a) the optimization of existing *infrastructure and public service facilities*, where feasible, before giving consideration to new *infrastructure or public service facilities*; and
  - b) the strategic location of *infrastructure and public service facilities* to support effective and efficient delivery of emergency management services.
- 6.2.15 The Town will ensure that sewage and water service systems are financially viable and comply with regulatory requirements, can be sustained by the Town's water resources, and protect human health and the natural environment.

- 6.2.16 The Town's servicing requirements for planned *development* and projected growth in coordination with the Niagara Region will be monitored to ensure that the sustainable water and wastewater system capacities are not exceeded and to provide sufficient lead time for the planning, design, approval, financing and construction of new facilities.
- 6.2.17 The Town will discourage non-residential *development* that requires high volumes of water use and/or wastewater discharge if the *development* has the potential to compromise the Town's ability to service existing and planned levels of population and employment or where the *development* would require unduly costly water and/or wastewater system upgrades.
- 6.2.18 *Development* outside of the Town's Settlement Boundary shall be by private well or cistern and private septic system. The creation of new communal water or wastewater treatment systems is prohibited. Extensions of municipal services outside of or beyond the Settlement Boundary are prohibited. Municipal water supply mains or municipal sewers shall not be extended outside the urban areas except:
- a) where necessary to correct an existing health problem as determined by the Medical Officer of Health or where there is a clean-up order from the Ministry of the Environment, Conservation and Parks, and provided all alternatives to municipal mains for resolving health concerns have been considered; and
  - b) where extensions of the water supply system are for necessary operating purposes, such as looping of existing mains, the replacement of existing mains, and the interconnection of urban areas.
- 6.2.19 The Region will review a combination of servicing strategies including infrastructure and non-infrastructure solutions to meet wet weather level of service and provide sufficient wastewater capacity. The Town and the Region will work collaboratively to reduce wet weather flows in the sanitary system.
- 6.2.20 The Town will not support *intensification* or infill *development* that does not have adequate municipal or private services or will negatively impact neighbouring properties' servicing requirements.
- 6.2.21 Where *development* is proposed on lands adjacent to an existing or proposed sewage treatment facility, the location of *development* shall be determined by appropriate noise and odour studies that identify suitable separation distances and mitigation measures.

- 6.2.22 The Region shall provide waste management systems that are an appropriate size and type to accommodate present and future requirements and facilitate, encourage and promote reduction, reuse and recycling objectives.
- 6.2.23 The Town, in collaboration with the Region will ensure that official plan, zoning by-law, plan of subdivision approvals and site plan approvals for new *development* comply with the Region's requirements for waste collection to ensure safe and efficient waste collection and diversion and includes support for the resource recovery of food and organic waste for residents.
- 6.2.24 The Town and Region will confirm, as part of the *development* review process, that utility providers are able to provide services to support the proposed *development* in a timely manner and that, if required, appropriate locations for large utility equipment and utility cluster sites have been determined.
- 6.2.25 Utility providers proposing to locate, relocate or replace a facility within a Regional Road allowance will require Regional approval and be subject to the provisions of all applicable Regional policies, by-laws, standards and guidelines.
- 6.2.26 All servicing requests must have regard to the Town's Engineering Design Standards.

**6.2.1 Extension Beyond Urban Limits**

- 6.2.1.1 Notwithstanding the provisions of Section 6.1 of this Plan, the extension of a sanitary sewer forcemain is permitted on Haist Street outside the Fonthill urban area to serve the Pelham Evangelical Friends Church located at 940 Haist Street and two intervening, existing residential dwellings located on Haist Street between the Settlement Boundary and the church building.
- 6.2.1.2 The following waterlines have been reviewed in accordance with the policies of Section 6 of this Plan and are deemed to comply:
- a) a 150 millimetre waterline extending 225 metres north along Lookout Street from Highway 20;
  - b) a 150 millimetre waterline extending 1.3 kilometres along Regional Road 20 westerly from Lookout Street to the eastern boundary of the property occupied by E.L. Crossley Secondary School; and

- c) two centimetre lateral connections to a local municipal waterline for land uses along the east side of Rice Road between Hurricane Road and the City of Welland municipal boundary.

6.2.1.3 Lateral connections to Regional water or wastewater mains are not permitted outside the settlement area boundaries.

## **6.2.2 Infrastructure in the Greenbelt Plan Area**

6.2.2.1 In the Greenbelt Plan Area, all existing, expanded or new *infrastructure* that is subject to and approved under the Federal Impact Assessment Act, the *Environmental assessment Act*, the *Planning Act*, the Aggregate Resources Act, the Telecommunications Act or by the National or Ontario Energy Boards, or which receives a similar environmental approval, will be permitted within the Protected Countryside provided it meets one of the following two objectives:

- a) it supports agriculture, recreation and tourism, Villages and Hamlets, resource use or the rural economic activity that exists and is permitted within the Greenbelt; or
- b) it serves the *significant* growth and economic *development* expected in southern Ontario beyond the Greenbelt by providing for the appropriate *infrastructure* connections among urban centres and between these centres and Ontario's borders.

6.2.2.2 In the Greenbelt Plan Area, the location and construction of *infrastructure* and expansions, extensions, operations and maintenance of *infrastructure* in the Protected Countryside will be subject to the following requirements:

- a) planning, design and construction practices will minimize, wherever possible, the amount of the Greenbelt, and particularly the *Natural heritage system* and *Water resource system*, traversed and/or occupied by such *infrastructure*;
- b) planning, design and construction practices will minimize, wherever possible, the *negative impacts* on and disturbance of the existing landscape, including, but not limited to, impacts caused by light intrusion, noise and road salt;
- c) where practicable, existing capacity and coordination with different *infrastructure* services will be optimized so that the rural and existing character of the Protected Countryside and the overall hierarchy of areas where growth will be accommodated ~~in the Greater Golden~~

~~Horseshoe-as~~ established by the Greenbelt Plan ~~and the Growth Plan~~ are supported and reinforced;

- d) new or expanding *infrastructure* will avoid key *natural heritage features* ~~and areas~~, key hydrologic features, *key hydrologic areas* and Prime Agriculture Area unless need has been demonstrated and it has been established that there is no reasonable alternative;
- e) where *infrastructure* crosses the *Natural heritage system* or intrudes into or results in the loss of a key natural heritage feature, key *hydrologic feature* or *key hydrologic areas*, including related landform features, planning, design and construction practices will minimize *negative impacts* on and disturbance of the features or their related functions, and where reasonable, maintain or improve connectivity; and
- f) Where *infrastructure* crosses the *Prime agricultural area*, an *agricultural impact assessment* or equivalent analysis will be undertaken as part of an *environmental assessment*.

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6.2.2.3 In the Greenbelt Plan Area, elements of *infrastructure* that serve the agricultural sector, including agricultural irrigation systems, are permitted to be located within key *natural heritage features* ~~and areas~~ or key hydrologic features and their associated *vegetation protection zones* in accordance with Section 4.2.1.3 of the Greenbelt Plan and the applicable policies of this Plan. In such instances, these elements may be established within the feature itself or its associated *vegetation protection zones*, but all reasonable efforts will be made to keep such *infrastructure* out of key *natural heritage features* ~~and areas~~ or key *hydrologic features* and their associated *vegetation protection zones*.

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6.2.2.4 In the Greenbelt Plan Area, all existing, expanded or new *infrastructure* that is subject to and approved under the *Environmental assessment Act*, or which receives a similar approval will only be permitted if it supports the needs of adjacent *settlement areas* or projected growth and economic *development*, and the goals and objectives of the Greenbelt Plan.

### 6.3 Stormwater Management

The Town will use the *watershed planning* process to handle stormwater from urban *development*. This process comprises a hierarchy of plans, including *Watershed*, *subwatershed*, and Stormwater Management Plans. Information from this process will set the criteria for site-specific *development*. Additional policies addressing the

relationship of *subwatershed* plans to stormwater management are found in Section 4, *Watershed planning* and Water Resources.

### **6.3.1 Objectives**

- 6.3.1.1 To protect, maintain, enhance and restore the quality and quantity of surface and groundwater resources through sound stormwater management and to recognize the importance of groundwater and sourcewater protection.
- 6.3.1.2 To implement an integrated *watershed planning* approach in the design of stormwater management such that *Watershed Plans, Subwatershed Plans* and Stormwater Management Master Plans to guide site-specific *development* and ensure *subwatershed* plans are kept up to date.
- 6.3.1.3 To implement stormwater management practices that:
  - a) maintain the pre-*development* hydrologic cycle;
  - b) maintain or enhance the quality and quantity of stormwater runoff discharged to receiving natural watercourses, *wetlands* and infiltration facilities; and
  - c) minimize erosion, flooding, wildlife and *fisheries* impacts.
- 6.3.1.4 To recognize stormwater runoff as a resource rather than a waste product.
- 6.3.1.5 To ensure that infill and *intensification development* and *redevelopment* are designed and developed to not negatively impact the surrounding properties and facilities.

### **6.3.2 Policies**

- 6.3.2.1 All *development* and *redevelopment* shall occur in accordance with *Subwatershed Plans* or Stormwater Management Plans, as approved by the Town of Pelham, the Region and the *Conservation Authority*.
- 6.3.2.2 Where *Subwatershed Plans* have not been completed or approved, the Town may consider *development* proposals where:
  - a) a stormwater management plan is prepared to address impacts to water quantity, quality, grading and drainage, erosion and sediment control; and
  - b) a scoped Environmental Impact Study is prepared to address potential *negative impacts* of the proposed *development*, including but not

limited to impacts to water temperature, base flow, wildlife and fisheries habitat and mitigation measures.

- 6.3.2.3 *Development and redevelopment* shall require the preparation of a detailed Stormwater Management and Engineering Report in accordance with 6.3.2.1 or 6.3.2.2 above, to the satisfaction of the Town, Region and the *Conservation Authority*, where applicable, that addresses the following matters and other issues as may be identified and required by the Town:
- a) demonstrate how the design and construction of the stormwater management facility will protect, improve or restore the quality and quantity of surface and groundwater resources;
  - b) demonstrate how the proposed stormwater management design will be consistent with and implement the recommendations of the appropriate *watershed, subwatershed* or Stormwater Management Plans, as approved by the Town for the subject area;
  - c) geotechnical and hydrogeologic information to identify soil infiltration rates, depths to the seasonally high water table and deeper regional aquifers beneath the site and surrounding area;
  - d) information on the potential impact in terms of quality and quantity of any proposed stormwater management techniques on the Town's groundwater resources; and
  - e) demonstration that *pre-development* stormwater flows from the site match *post-development* stormwater flows for a storm event.
- 6.3.2.4 The Town will require appropriate use of on-site infiltration measures within the stormwater management design.
- 6.3.2.5 When considering an application for *development or site alteration*, the Town shall seek to reduce areas with impervious surfaces and increase areas retained in a natural undisturbed state to minimize stormwater volumes and contaminant loads. Alternative stormwater management techniques, including *green infrastructure* and low-impact *development* measures, should be explored, where appropriate, to minimize and attenuate runoff volumes, peak flow rates to *predevelopment* levels, and appropriate temperatures of stormwater discharge to streams.
- 6.3.2.6 In keeping with the recommendations of the Town's Natural Asset Management Project, the Town encourages the use of landscaped-based stormwater management planning and practices (also referred to as Low-Impact *Development*), including rainwater harvesting, green roofs,

bioretention, permeable pavement, infiltration facilities, and vegetated swales, in the design and construction of new *development* where site conditions and other relevant technical considerations are suitable.

- 6.3.2.7 The Town encourages approaches to stormwater management that include a combination of lot level, conveyance, and end-of-pipe stormwater controls to maintain the natural hydrologic cycle, protect water quality and quantity, and minimize erosion, *site alteration*, and flooding impacts.
- 6.3.2.8 All *development* shall be required to adhere to any approved Town policies, guidelines and standards including the Town's Engineering Design Guidelines. These plans and guidelines are intended to augment the Ontario Ministry of the Environment's Stormwater Management Practices Planning and Design Manual, as amended from time to time and are intended to achieve the highest level of utilization, aesthetics, environmental benefits and ease of maintenance for stormwater management facilities.
- 6.3.2.9 Stormwater management facilities are permitted in all land use designations on Schedule A. Detention and retention facilities are not permitted in natural heritage features or in *buffers* to natural heritage features, except as provided for under the *Natural heritage system* policies of this Plan. The Town recognizes that controlled discharge from stormwater facilities to receiving *wetlands* and watercourses is required to maintain or enhance the water quality and quantity of the receiving waterbody.
- 6.3.2.10 Watercourses regulated by the *Conservation Authority* should be left in an open and natural state unless approval to alter the watercourse is obtained from the *Conservation Authority*. The enclosure of open watercourses or their channelization into open concrete channels will be prohibited.
- 6.3.2.11 The Town will explore opportunities to restore watercourses that have been enclosed or channelized to open and natural watercourses.
- 6.3.2.12 Approvals from the Town, the Region of Niagara, the *Conservation Authority* and any other relevant agencies shall be required prior to the alteration of any watercourse, the design and construction of any stormwater management facility or the commencement of any grading or filling.

### **6.3.3 Stormwater Management in the Greenbelt Plan Area**

- 6.3.3.1 The Town will require a stormwater management plan for applications for *development* and *site alteration* in the Protected Countryside of the Greenbelt Plan. These stormwater management plans will meet the objectives of the Greenbelt Plan and demonstrate that:

- a) planning, design and construction practices will minimize vegetation removal, grading and soil compaction, sediment erosion and impervious surfaces;
- b) an integrated treatment approach will be used to minimize stormwater flows and mimic natural hydrology through lot-level controls, low-impact *development* and other conveyance techniques;
- c) applicable recommendations, standards or targets within local *subwatershed* studies, or equivalent studies, and water budgets are complied with;
- d) applicable objectives, targets, and any other requirements within a stormwater master plan will be met in accordance with the ~~Growth Plan~~ all applicable policies; and
- e) planning, design and construction of stormwater management *infrastructure* be carried out in accordance with the stormwater management policies of this Plan.

6.3.3.2 In the Greenbelt Plan Area, stormwater management systems will be prohibited in ~~natural heritage features and areas~~ key natural heritage features, key hydrologic features and their *vegetation protection zones*, in accordance with the Greenbelt Plan, except as permitted by Section 4.2.3.3 of the Greenbelt Plan for those portions of the Protected Countryside that define the major river valleys that connect the Niagara Escarpment to Lake Ontario.

6.3.3.3 In the Greenbelt Plan Area, the planning, design and construction of stormwater management *infrastructure* will be carried out in accordance with the stormwater management policies of this Plan and applicable Provincial legislation.

#### **6.3.4 Low-Impact Development Design**

6.3.4.1 With the goal of replicating the existing hydrologic regime, the Town shall encourage the implementation of *low-impact design* standards as outlined in the Ministry of Environment, Conservation and Parks "Low Impact Design Stormwater Management Guidance Manual, which emphasizes the use of bio-swales, innovative stormwater practices, and at-source infiltration, in order to contain stormwater runoff from the 90th percentile storm (25mm) on site.

6.3.4.2 To minimize the negative impacts of urbanization on the area's natural heritage features, the Town shall encourage *low-impact design* methods

when treating stormwater runoff to a treatment train to an enhanced standard (the highest standard as prescribed by the Ministry of the Environment, Conservation, and Parks).

- 6.3.4.3 With the goal of adapting to *climate change* and mitigating the impacts of severe storm events, the Town shall encourage the following;
- a) include robust major overland flow routes through all new *development* to reduce the risk of overland flooding;
  - b) new *development* should be designed to minimize the risk of basement flooding from groundwater infiltration;
  - c) heating, ventilation, and air conditioning (HVAC) and electrical systems should be well elevated from the basement floor or located above grade;
  - d) if the home foundation drain connects to a storm sewer, a backwater valve should be installed on the storm sewer lateral to prevent stormwater from backing up into the basement if the storm sewer is overloaded;
  - e) if the home foundation does not connect to a storm sewer, a primary and back-up sump pump should be installed complete with a back-up power system;
  - f) driveways should be built to slope away from homes or garages (i.e. reverse slope driveways should not be permitted);
  - g) consideration should be given to increasing the capacity of all new storm *infrastructure* by a minimum of 25% to account for more frequent and severe rainfall events;
  - h) consideration should be given to implementing a minimum building setback from all mapped *flood plains* to account for more severe rainfall events.
- 6.3.4.4 The Town shall encourage the introduction of *green infrastructure*, such as bioswales, within the street rights-of-way to enhance ground water infiltration and improve water quality as part of a comprehensive water management plan.
- 6.3.4.5 The Town shall encourage a rainwater harvesting program to provide the passive irrigation of public and/or private greenspace, including absorbent

landscaping, landscaped walls, cisterns, rain barrels, underground storage tanks and/or infiltration trenches.

- 6.3.4.6 The Town shall encourage xeriscaping using native, drought-tolerant plants, a cost-effective landscape method to conserve water and other resources on a community-wide level.

## **6.4 Municipal Drains**

Municipal drains are part of the Town's *infrastructure* and are developed and maintained in accordance with the requirements of the *Drainage Act*. The Town recognizes that the primary function of municipal drains is to provide drainage for agricultural lands. The Town supports ongoing drain maintenance in accordance with the Federal Department of Fisheries and Oceans' Class Authorization System for Agricultural Municipal Drains.

### **6.4.1 Policies**

- 6.4.1.1 Where *development* and *site alteration* or building is proposed adjacent to a municipal drain, a vegetative protection zone a minimum of ten metres in width measured from the stable top of bank shall be required to provide access for drain maintenance, protect the integrity of the drains and protect environmental health.
- 6.4.1.2 The Town supports the design, construction and maintenance of Requisition and Petition Drains authorized under the *Drainage Act* in accordance with Best Management Practices to avoid *significant* detrimental effects on farmland, water resources, and the *natural heritage system*.
- 6.4.1.3 Municipal drains may be identified as *flood plains* and may have setback requirements identified in the implementing Zoning By-law.
- 6.4.1.4 Where new *development* is proposed that results in changes to property boundaries for lands located in the Municipal Drain Assessment schedule, the proponent shall be responsible for updating the assessment schedule to reflect the new property boundaries.

## **6.5 Solid Waste Management**

There are no open waste disposal sites and two closed waste disposal sites in the Town.

### **6.5.1 Policies**

- 6.5.1.1 Proposed *development* within the influence area, as determined by Provincial Land Use Compatibility Guidelines or through site specific study, of all waste

management facilities shall demonstrate that the solid waste disposal site will not have any unacceptable adverse effects on the proposed *development* and will not pose any risks to human health and safety.

6.5.1.2 In the ~~Greenbelt Plan Area~~Protected Countryside, new waste disposal sites and facilities and organic soil conditioning sites are prohibited in *natural heritage features and areas*, *key natural heritage features*, *key hydrologic features* and their associated *vegetation protection zones*.

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6.5.1.3 The Region will provide for the disposal and treatment of solid wastes to the Town, and in alignment with the Region's Long Term Waste Management Strategic Plan.

## **6.6 Site Alteration**

6.6.1 The Town will regulate *site alteration* prior to *development*, through a *site alteration* by-law, in an effort to:

- a) maintain *significant* landforms;
- b) preserve topsoil;
- c) minimize impacts on watercourses;
- d) ensure proper lot grading and drainage
- e) minimize flooding or ponding of water on adjacent properties and/or roadways; and
- f) preserve vegetation.

## Section 7: Community Infrastructure

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Community *Infrastructure* includes services that are integral to the town's social, health, educational, cultural, and recreational needs. These services contribute to the quality of life for existing and future residents of all ages, abilities, interests, cultural backgrounds, and income levels.

### 7.1 Community Facilities

#### 7.1.1 Objective

7.1.1.1 To promote the maintenance and *development* of sustainable neighbourhoods by providing community facilities that support a high quality of life standard for all residents.

#### 7.1.2 Policies

7.1.2.1 The Town will encourage the adequate provision of community facilities in conjunction with new residential growth. For this Plan, community facilities include, but are not limited to:

- a) municipal recreational facilities, including public art;
- b) *institutional* health care facilities;
- c) schools and educational facilities;
- d) fire, police and EMS services;
- e) library services;
- f) cultural facilities; and
- g) religious facilities.

7.1.2.2 Community facilities should be strategically located to support the effective and efficient delivery of emergency management services. Community facilities should be co-located where feasible to promote cost-effectiveness and facilitate service integration.

7.1.2.3 The Town recognizes that not all of the community facilities described in Policy 7.1.2.1 are within the Town's administrative jurisdiction. As such, coordination between the Town, public and private boards, indigenous groups, agencies, and the Region of Niagara is *essential*. This Plan promotes

dialogue and informed decision-making between all agencies and boards active within the Town of Pelham community.

- 7.1.2.4 Regarding the provision of school facilities within the community, this Plan promotes the adequate distribution and supply of school spaces to meet the current and future educational needs of the town's residents.
- 7.1.2.5 Within new growth areas of the Town, and as required, this Plan encourages the provision of new schools within a reasonable time of the construction of new housing in the area.
- 7.1.2.6 The Town may require residential *development* proposals to be phased where it is determined, in consultation with the School Board(s), that there is not an adequate supply of school spaces within the community.
- 7.1.2.7 Community facilities in the older established areas of the Town add to the stability of neighbourhoods and should be retained where feasible.
- 7.1.2.8 The Town will develop a cultural policy that clarifies the Town's role in providing and facilitating access to cultural facilities and experiences.
- 7.1.2.9 Cultural facilities are supported as an integral part of the social and cultural fabric of the Town.
- 7.1.2.10 New cultural facilities that serve the Town or the larger region are encouraged to be located in the Downtown Areas.

## **7.2 Open Space System: Trails and Parks**

The Town's open space system accommodates a variety of recreational pursuits while having regard for and complementing the Town's natural areas. The open space system consists of parks, trails and open space areas that are not part of but may be interconnected with or supportive of the *Natural heritage system* and conservation lands. Further, the town is designated as a bicycle-friendly community. The open space system plays a vital role in defining the character of the Town and promoting community health and wellness.

The Town's Recreation, Culture and Parks Master Plan identifies the needs and priorities related to recreation, parks, cultural services, programs and facilities within the Town and how to implement those priorities. The Town will monitor and review the implementation of the Recreation, Culture and Parks Master Plan to ensure that the goals and objectives are being achieved and that they accurately reflect the community's needs and interests for recreational services.

## **7.2.1 Objectives**

- 7.2.1.1 To develop a connected open space system of trails and parks that provides residents and visitors exposure, awareness and interaction with nature, contributing to an overall healthier community.
- 7.2.1.2 To develop a cohesive and comprehensive town-wide trail system that connects people and places through an off-road network, wherever possible, supported by on-road links.
- 7.2.1.3 To create a hierarchy of open space, trails and parks based on size, function, and population to be served.
- 7.2.1.4 To provide a sufficient open space system of parks and trails to meet the community's active and passive recreational needs that are accessible to all residents.
- 7.2.1.5 To accommodate the growing park and trail needs created by *residential intensification* and new *development*, emphasizing walkability.
- 7.2.1.6 To reduce parkland deficiencies within Town neighbourhoods.
- 7.2.1.7 To encourage the use of the Town's parks as living community centres that provide spaces serving as activity hubs for neighbourhoods and the community in accordance with the Town's Recreational, Culture and Parks Master Plan.
- 7.2.1.8 To protect and enhance trails, parks and open spaces for current and future generations.
- 7.2.1.9 To encourage Indigenous biological diversity, *naturalization* and environmental enhancement of appropriate open space and park locations.
- 7.2.1.10 To ensure that *urban forestry* is a key component of park design.
- 7.2.1.11 To plan appropriate connections, protection and enhancement opportunities between the open space system and the *natural environment system*.
- 7.2.1.12 To establish pedestrian and cycling networks within Secondary Plan Areas, including connections to existing trails.
- 7.2.1.13 To formalize the connection to Lathrop Nature Preserve from Pelham Street.
- 7.2.1.14 To establish or expand partnerships that support public access to and nature-based programming within non-municipal trails and natural areas.

- 7.2.1.15 To secure, at minimum, an additional 8.0 hectares of parkland by 2031 to address gaps and meet the growth-related needs of the community.
- 7.2.1.16 To implement the goals and objectives of the Town’s Recreation, Culture and Parks Master Plan, including:
  - a) responding to growth and providing expanded activity choices;
  - b) optimizing facilities and parks while enhancing service and capacity; and
  - c) ensure financial sustainability.

**7.2.2 Trail Network**

The Town’s trail network connects users through *active transportation*. It includes a network of off-road trails and on-road links that connect people and places throughout the Town and to neighbouring municipalities while enhancing opportunities for the community to stay active throughout all seasons.

Further, the Town is designated a Bicycle Friendly Community, the first community of its size to achieve the silver award level. This program encourages the *development* of attractive, safe, convenient and practical multi-use trails, sidewalks and amenities that connect neighbourhoods to civic destinations and make walking or cycling viable for residents.

- 7.2.2.1 The Town will continue to pursue the *development* of interconnected trail systems throughout the Town and assign priority to the continued maintenance and expansion of the recreational trail system.
- 7.2.2.2 Under most circumstances, trail *development* should be restricted to public lands; private lands will not be considered until a mutually agreeable arrangement between the Town and the land-owner has been prepared.
- 7.2.2.3 The following measures may be used to assist in realizing the objective of creating a publicly accessible linked trail network:
  - a) acquiring land to complete the system through purchases, leases, easements, rights-of-way, dedications and any other applicable means;
  - b) integrating abandoned railway properties into the Trail Network as they become available;

- c) supporting measures by the *Conservation Authority*, or any other public agency, to improve the river banks; and
- d) ensure that as part of a *development* proposal, lands must be reserved for future public open space, park and trail linkages, where applicable.

7.2.2.4 The Town will investigate methods to establish a trail connection between Fonthill and Fenwick

7.2.2.5 The Town will work to improve and expand the trail network, add missing links and overcome physical barriers.

7.2.2.6 The Town may develop sections of the trail network to alleviate identified park deficiencies.

7.2.2.7 To improve attractiveness, continuity, accessibility and utility the Town will develop linkages between parks and different levels of the park hierarchy. Such linkages may consist of:

- a) an environmental corridor, ecological linkage or open space area;
- b) a walkway, right-of-way or easement;
- c) a defined route that makes use of the street system;
- d) walkways/trails through existing or proposed parks;
- e) abandoned or underused railway lines and
- f) storm drainage channels or natural drainage systems.

### **7.2.3 Parks**

An appropriate level and equitable distribution of parkland is *essential* to ensuring a high quality of life and maximizing accessibility to services and amenities that achieve community objectives. This plan sets out a hierarchy of parks, which are differentiated primarily based on function, size, amenities, and population served. The Park Hierarchy comprises Parkland (Community Parks, Neighbourhood Parks and Village Squares) and Open Space (Natural Areas, Open Space Linkages). An inventory of active parks is set out in Table 7.1.

**Table 7.1 Inventory of Active Parks**

<b>Name</b>	<b>Hectares</b>	<b>Classification</b>
Centennial Park	16.29	Community
Cherry Ridge Park	1.02	Neighbourhood
Civic Square (undeveloped)	0.44	Village Square
East Fonthill Park (undeveloped)	2.73	Neighbourhood
Gordon L. Klager Park (Private – Fonthill Lions)	2.16	Community
Harold Black Park	4.77	Community
Hurleston Community Park	0.27	Neighbourhood
Lookout Park	1.07	Neighbourhood
Marlene Stewart Streit Park	4.73	Community
North Pelham Park	3.76	Community
Peace Park	0.93	Community
Pelham Corners Park	1.13	Neighbourhood
River Estates Park	0.20	Neighbourhood
Rolling Meadows Park	2.03	Neighbourhood
Saffron Meadows Park	1.5	Neighbourhood
Weiland Heights Park	0.68	Neighbourhood
Woodstream Park	2.83	Neighbourhood

An inventory of municipal open spaces (natural areas) is set out in Table 7.2

**Table 7.2 Municipal Open Spaces (Natural Areas)**

<b>Name</b>	<b>Hectares</b>	<b>Classification</b>
Centre Street Leash Free Park (Region)	2.27	n/a
Harold S. Bradshaw Memorial Park	20.44	Natural Area
Hillcrest Park	2.61	Natural Area
Kunda Park	0.77	Natural Area
Memorial Drive Woodland	0.48	Natural Area
Rosewood Forest	6.1	Natural Area

### **7.2.3.1 Parkland: Community Parks**

- 7.2.3.1.1 Community Parks are used by groups of residents and visitors for community events, festivals and active recreation. They may contain athletic amenities for organized recreation (such as sports fields, support buildings and community-wide recreation amenities), pathways, pavilions and/or unique elements that make the park a destination. Complete services (water, sanitary, etc.) are required.

7.2.3.1.2 Community Parks shall service the entire town and beyond.

7.2.3.1.3 Community Parks should maintain a provision of 1.79 hectares per 1,000 population.

7.2.3.1.4 Community Parks shall maintain a target size of at least 3.0 hectares.

**7.2.3.2 Parkland: Neighbourhood Parks**

7.2.3.2.1 Neighbourhood Parks primarily support children’s play activities. They are often situated within residential areas to promote walkability and contain playgrounds, local-level play features and activity areas, seating and/or passive open space intended to serve the immediate area. Unlike Community Parks, most do not have off-street parking, although they may be coordinated with school sites.

7.2.3.2.2 Neighbourhood parks shall service the surrounding neighbourhood (500-metre radius).

7.2.3.2.3 Neighbourhood Parks shall maintain a provision of 0.73 hectares per 1,000 population.

7.2.3.2.4 Neighbourhood Parks shall maintain a target size of between 0.4 and 3.0 hectares.

7.2.3.2.5 The following criteria will be considered in the provision of Neighbourhood Parks:

- a) that the site is located within a five to ten-minute walk from the residential area served (service radius of approximately 500 metres) and is unobstructed by *significant* barriers;
- b) that the site, where feasible and desirable, is located adjacent to school sites;
- c) that the site contains adequate street frontage for visibility and safety;
- d) that the site can be linked, where feasible, to the trail network; and
- e) the site contains sufficient table land (approximately 80 percent of the site) and is well drained, except where the site takes advantage of a specific natural feature.

### **7.2.3.3 Parkland: Village Square**

- 7.2.3.3.1 Village squares are publicly owned lands in prominent and accessible locations, typically in gateways, commercial areas, or higher-density mixed-use areas. They support the Town’s social and cultural fabric, create a sense of place for pedestrians and the broader community, and create a destination. They are typically characterized by hardscaped areas for events and gatherings, public art, seating areas, and related civic uses.
- 7.2.3.3.2 Village Squares shall service a localized area.
- 7.2.3.3.3 Village Squares shall maintain a provision of 0.02 hectares per 1,000 population.
- 7.2.3.3.4 Village Squares shall maintain a target size of less than 0.4 hectares.

### **7.2.3.4 Parkland: Natural Areas**

- 7.2.3.4.1 Natural areas are municipal open spaces and natural properties used for conservation and/or passive recreational activities. These lands will remain largely undeveloped and contain open space or natural heritage features such as woodlots, *wetlands*, conservation habitats, etc. The acquisition of these lands do not constitute parkland dedication requirements given their primary conservation function and role.

### **7.2.3.5 Parkland: Open Space Linkages**

- 7.3.2.5.1 Open Space Linkages are typically comprised of trails, linear parks or open space parcels which provide connections within the open space system (for habitat) and between local points of interest (for pedestrian and/or cyclists). They consist largely of unimproved open space and/or trail *infrastructure*. They may be town-owned or controlled (e.g. via easement, agreement etc.).
- 7.3.2.5.2 The minimum width for open space linkages shall be at least 7.5 metres.

### **7.2.4 Public Consultation and Parkland Deficiencies**

- 7.2.4.1 The general public and area residents will be consulted and engaged in the design and *development* process for park master plans as appropriate.
- 7.2.4.2 The Town will endeavour to maintain a town-wide parkland provision rate of 2.2 hectares per 1000 residents in accordance with the recommendations of the Town’s Recreation, Culture and Parks Master Plan (2023).

7.2.4.2 The Town will work to reduce identified parkland deficiencies, where feasible, through the following:

- a) by acquiring additional lands to enlarge existing small parks, where appropriate;
- b) by acquiring vacant infill sites to create new small parks;
- c) by acquiring redundant school properties or parts thereof, where appropriate;
- d) by improving the quality and usefulness of existing parks through better design and *development*;
- e) by encouraging and working with the local School Boards to upgrade the design and *development* of their open space areas;
- f) by developing portions of certain community parks to meet neighbourhood needs and
- g) by enhancing connections between park and open space areas.

## **7.2.5 Other Agencies**

7.2.5.1 The Town is not the only provider of open space within the community. To enhance its open space, parks, and trail systems, the Town will work closely with the local School Boards, the *Conservation Authority*, the Niagara Region, the Province, public utilities and institutions, private organizations, and individual property owners.

7.2.5.2 Where appropriate, the Town may consider the following measures:

- a) encourage other agencies to provide parks and amenity areas for public use;
- b) enter into agreements for joint use/management concerning the *development* of specific recreational facilities that are available to the general public;
- c) provide linkages between municipal parks and open space areas and recreation facilities provided by other agencies or private organizations;
- d) ensure that adequate private outdoor parks, open space, indoor and outdoor recreation facilities and amenities are provided as part of the

regulations about the *development* of residential and non-residential uses to ensure a satisfactory living and working environment; and

- e) where park standards may not be met in existing *built-up areas*, the Town shall endeavour to increase the supply of parks through bequests, donations and partnerships with other public agencies.

7.2.5.3 School sites provide a vital park resource within the community. The town will continue cooperating with the local school boards to obtain new school sites, where necessary, and integrate such sites with municipal parks. More specifically, the Town will:

- a) where feasible, municipal parks will be developed in conjunction with elementary or secondary school sites;
- b) where there is a shortage of Neighbourhood or Community Parks, and there are underdeveloped school sites within the neighbourhood or larger community, the Town may enter into an agreement with the respective School Board regarding the *development* of land for park purposes.
- c) where municipal parks are obtained adjacent to a new school site, such parks shall be of a size, configuration, condition and location and have appropriate access so that they can function adequately as a Neighbourhood or Community Park if the school property is not developed;
- d) where schools are not to be provided in a new residential neighbourhood, the Town may provide additional Neighbourhood Parks at the rate of 0.73 hectares/1000 population and
- e) where a school is to be closed by a local School Board and the neighbourhood in which the school is located is deficient in park space; as a result, the Town will consider the acquisition of the site and building, where appropriate, to maintain the desired ration of neighbourhood and/or community parkland and facilities.

## **7.3 Parkland Dedication and Acquisition**

### **7.3.1 Objectives**

- 7.3.1.1 The Town will adopt a “parkland-first” approach to parkland dedication that prioritizes the dedication of land in appropriate locations rather than cash-in-lieu of parkland during the *development* process.

- 7.3.1.2 To maximize parkland dedication through *development* and *redevelopment* applications, as well as alternate parkland acquisition strategies.
- 7.3.1.3 The Town may prepare a parkland acquisition strategy to enhance current and future community access to parks, with consideration of alternative acquisition tools (e.g. reallocation of surplus municipal lands, purchase/lease, land exchanges, partnerships etc).
- 7.3.1.4 To work with area school boards and other service providers to maximize community access to quality outdoor parks and recreation amenities on non-municipal sites.

### **7.3.2 Parkland Dedication**

- 7.3.2.1 The Town will require parkland dedication as a condition of *development*, consent or subdivision proposals per the Town's Parkland Dedication By-law.
- 7.3.2.2 Council may pass and update a by-law in accordance with the *Planning Act* outlining the rates of parkland dedication that are to be applied as a condition of the *development* approval process of land for residential and non-residential purposes.
- 7.3.2.3 Lands consisting of natural heritage features and natural hazard lands, as outlined in this Plan, will not be accepted as parkland dedications. The town may acquire these lands for conservation purposes.
- 7.3.2.4 Parks held in private ownership will not be considered part of parkland dedication.
- 7.3.2.5 Where this Plan requires parkland dedication, the Town will ensure that the land is suitable for *development* as a park. Generally, the parkland acquired should satisfy the following:
  - a) that the site satisfies the *development* criteria for the type of park proposed;
  - b) that the site is not susceptible to *significant* flooding, poor drainage, erosion, steep slopes or other environmental or physical conditions that would interfere with its potential *development* or use as an active public recreation area. Sites subject to these conditions may be integrated, where possible, into the *development* of municipal park areas by serving as pedestrian walkways, as part of a linear trail system, as passive recreation areas, or as natural areas;

- c) that the site is orientated to take advantage of favourable topography, vistas and mature stands of trees where possible and desirable; and
- d) that the lands be dedicated in a condition suitable for parkland *development* in accordance with the standards of the Town.

7.3.2.6 Cash-in-lieu of parkland dedication may be required in the following circumstances:

- a) where the application of the rate of parkland dedication would render the remaining portion of the *development* site unsuitable or impractical for *development*;
- b) where the amount of parkland dedication would be insufficient to accommodate the *development* of a desirable range of appropriate recreational facilities;
- c) where existing municipal parkland is available in sufficient quantity and quality to accommodate further *development* in the particular area or
- d) where more suitable parcels of land are available for municipal park purposes in other locations.

7.3.2.7 Where the town receives cash-in-lieu of the parkland dedication, priority will be placed on using the funds to meet the neighbourhood requirements in which the *development* is located. The funds collected may be applied to other areas if the neighbourhood has sufficient parkland.

7.3.2.8 Parkland dedication requirements under the *Planning Act* may be used, whenever necessary and feasible, to conserve *significant* cultural heritage resources.

### **7.3.3 Parkland Acquisition Alternatives**

7.3.3.1 Some of the Town's future parkland requirements will be addressed through the conveyance of lands through the land *development* process. However to address local needs the Town may need to consider methods beyond the land *development* process including:

- a) evaluate proposed *development* applications for future park dedication and connectivity opportunities (i.e. sidewalks, trails etc.);

- b) evaluate other municipal or public lands that are not currently designated as parks for their ability to be used as parkland or, at minimum, accommodate a public playground;
- c) consider improvements to parks to enhance active and passive recreational opportunities in the vicinity of growth areas;
- d) encourage volunteer conveyance, donations, gifts and bequests from individuals or corporations; and
- e) monitor real estate opportunities and seek to purchase, or swap, one or more properties that could be developed as a municipal park.

## **Section 8: General Land Use**

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This Section establishes the objectives, policies, and permitted uses for each of the land use designations identified on Schedule A. The designations and policies provide direction for *development* and the basis for decision-making regarding applications under the *Planning Act*.

Schedule A establishes the pattern of land use in the Town by establishing the following Land Use Designations:

- Open Space
- Greenbelt Plan Area and Greenbelt Natural Heritage System
- Natural Heritage System
- Niagara Escarpment Plan Area

~~Secondary Plans adopted through amendment to this Plan may provide more detailed policies and land use schedules for the areas they apply.~~

## **8.1 All Land Use Designations Excluding Natural Environment System**

### **8.1.1 Policies**

8.1.1.1 The following permitted uses and policies apply to all land use designations excluding *Natural Environment System* (NES) and Niagara Escarpment Plan Area:

- a) public and private *infrastructure*; and
- b) municipal parks and municipal recreation facilities.

8.1.1.2 All *development* and *site alteration* proposed adjacent to the NES shall be subject to the NES policies in Section 4.

### **8.1.2 Public and Private Infrastructure**

8.1.2.1 The following public and private *infrastructure* may be permitted in all land use designations unless otherwise limited by the provisions of this Plan:

- a) all electric power facilities (i.e. transmission lines, transformer and distribution stations) provided that such *development* satisfies the provisions of the *Environmental Assessment Act* and any other relevant Acts or regulations.
- b) utilities and services necessary for the supply and distribution of municipal water and sewage, public roads, bridges and railway lines, subject to the *Environmental Assessment Act*, where applicable, and the provisions of this Plan;
- c) any *infrastructure*, building, or facility of the Town of Pelham or Niagara Region, provided that such *development* satisfies the provisions of the *Environmental Assessment Act*, where applicable;
- d) the facilities and *infrastructure* lines of any privately owned utility but not including uses such as administrative offices, sales outlets, studios, garages, depots or yards; and
- e) non-exempt *renewable energy systems* and *alternative energy systems* for generation.

8.1.2.2 Public and private *infrastructure* listed in Policy 8.1.2.1 shall only be permitted if:

- a) the facilities conform with the objectives and policies of the land use designations where they are proposed;
- b) the facilities are *compatible* in scale, magnitude, function and character with the residential environment where proposed adjacent to or with a designation permitting residential uses;
- c) the facilities do not have an adverse impact on residential or other *sensitive land uses* with regard to traffic and parking or cause disturbances such as noise, odour, air or water pollution, dust or vibration;
- d) the facilities are designed and located to mitigate impacts through appropriate measures such as set-backs, screening, landscaping and enclosing structures; and
- e) The facilities do not adversely fragment or bisect a residential area or adversely impact the *development* potential of the adjacent regions designed for future *development*.

8.1.2.3 Where there is some question as to the *adverse effects* a proposed land use may have on the environment, the Town will consult with appropriate authorities to be satisfied that any such effect or risk of impact can be appropriately mitigated through Federal or Provincial legislative requirements and associated regulations before permitting such use. The council will not permit uses or *development* when such consultation indicates that the use represents a *significant* health or safety risk to the public, employees or the environment.

### **8.1.3 Parks and Open Space**

The Town contains a variety of green spaces, including parks, open spaces and trails, as well as many natural heritage features. The purpose of the Parks and Open Space designation is to ensure that the residents of the Town have access to a well-planned, connected and accessible system of parkland and open space. This includes lands associated with the Steve Bauer Trail system, all community parks, passive and/or unimproved public parkland, and all *Conservation Authority* lands. The Town promotes an active, healthy lifestyle for residents, providing parks, trails and recreational facilities that are well-distributed and connected.

#### **8.1.3.1 Objectives**

8.1.3.1.1 To establish walking and cycling *infrastructure* as a recreational amenity and a *transportation system* supporting physical activity.

- 8.1.3.1.2 To provide a system of trails for pedestrians and bicycles that links open spaces, recreational areas, neighbourhoods, commercial areas, and industrial areas in the community.
- 8.1.3.1.3 To provide active and passive parks and recreation areas for the Town residents.
- 8.1.3.1.4 To provide community and cultural facilities to serve the Town residents.
- 8.1.3.1.5 To enhance existing parkland areas wherever possible to respond to changing public needs and preferences.
- 8.1.3.1.6 To ensure that the Town acquires appropriate amounts and types of parkland through *development*.
- 8.1.3.1.7 Encourage the dedication and donation of environmentally *sensitive* lands into public ownership to ensure their continued protection.
- 8.1.3.1.8. To establish a coordinated linear parkland system within the settlement area.
- 8.1.3.1.9 To ensure that environmentally sensitive areas within the parks and open space system are planned and managed in a way that protects their natural heritage values.

**8.1.3.2 Permitted Uses**

- 8.1.3.2.1 The use of land-designated Parks and Open Spaces shall include:
  - a) active and passive recreational uses;
  - b) recreational and community facilities;
  - c) *conservation uses*;
  - d) nature trails; and
  - e) cemeteries.
- 8.1.3.2.1 Small-scale commercial uses that are ancillary to and support the permitted Parks and Open Space designation may also be allowed.

### **8.1.3.3 Parks and Open Space Policies**

- 8.1.3.3.1 Public parks and public open spaces may be located within any land use designation within the *Settlement areas*. The Town intends to retain all existing Town parks and open spaces. These areas will be maintained as parks and open spaces with a range of facilities to meet the needs of residents and visitors.
- 8.1.3.3.2 The Town shall coordinate the parks and open space system with an *active transportation* network to facilitate safe, enjoyable walking and cycling connections for recreational and everyday travel.
- 8.1.3.3.3 Where possible, the Town will utilize natural heritage corridors to facilitate walking and cycling for recreational purposes and everyday travel in accordance with the Town Trail and Bikeway network shown in this Plan, which also identifies the regional bicycling network.
- 8.1.3.3.4 The parks and open space system is a major functional and aesthetic component of the Town and should be designed to distribute amenity spaces for various uses.
- 8.1.3.3.5 The Town shall cooperate with the *Conservation Authority* to examine the potential to establish a trail system within the Conservation Areas and a route linking these areas to the Town.
- 8.1.3.3.6 The Town shall cooperate with the Niagara Escarpment Commission and the *Conservation Authority* to ensure the preservation and conservation of environmentally *sensitive* lands.
- 8.1.3.3.7 The Town shall utilize the Recreation, Culture, and Parks Master Plan to implement trail, park, and bike facilities through projects to develop and redevelop land and roadways.
- 8.1.3.3.8 *Development* within designated Parks and Open Space areas will complement the natural environment.
- 8.1.3.3.9 The Town shall encourage accessibility for all residents, including those with reduced mobility or special needs, in developing parks, open space areas, and recreation facilities.
- 8.1.3.3.10 To improve accessibility to existing and developing parks and open space areas for the town's residents, the municipality may require the dedication of land and construction of pedestrian walkways and/or recreation trails as a condition of *development* or *redevelopment*.

8.1.3.3.11 This dedication of land and construction of pedestrian walkways shall not comprise or constitute a part of the required parkland dedication or cash payment in lieu of parkland dedication. Credit may be given for the dedication of land and construction of facilities for recreational trails based on the relative value of the land assessed in accordance with the criteria in Section 8.2.3 and the value of constructed facilities.

8.1.3.3.12 The Town has a diverse topography that contains many environmental, ecological, historical, archaeological, and cultural features. To preserve and protect these features and make them available to the public for low-intensity, passive recreational use, the Town shall develop a strategy, in consultation with the *Conservation Authority*, where appropriate, to identify further the significance of, the preservation and protection of, and the public usage of these natural areas.

#### **8.1.4 Greenbelt Plan Area and Greenbelt Natural Heritage System**

8.1.4.1 The policies of Section 4.3: Greenbelt Plan Area apply to all lands within the delineated boundaries of the Greenbelt Plan as illustrated on Schedule B.

#### **8.1.5 Natural Heritage System**

8.1.5.1 The policies of Section 4.2: *Natural Heritage System* apply to all lands designated as *Natural Heritage System* within the Town.

### **8.2 Niagara Escarpment Plan Area**

Through the Niagara Escarpment Planning and *Development Act*, the province of Ontario provides for maintaining the Niagara Escarpment and land in its vicinity as a continuous natural environment. Within the Niagara Escarpment Plan Area, *development* (as defined in the *Niagara Escarpment Planning and Development Act*) is to be *compatible* with the natural environment in accordance with the Niagara Escarpment Plan. Municipal zoning regulations do not apply to lands in *Development Control* areas under the jurisdiction of the Niagara Escarpment Plan. Instead, a *development* permit is required from the Niagara Escarpment Commission for all *development* not explicitly exempted.

Pursuant to the *Niagara Escarpment Planning and Development Act*, the Niagara Escarpment Plan prevails over any local Official Plan or Zoning By-law where conflicts occur between them. Where policies in this Official Plan are more rigorous or restrictive than the Niagara Escarpment Plan, they are considered not to conflict with the Niagara Escarpment Plan and continue to apply.

Farm diversification uses within the Niagara Escarpment Plan Area must also comply with the policies of the Niagara Escarpment Plan.

### **8.2.1 Objectives**

- 8.2.1.1 To substantially maintain the Niagara Escarpment and land in its vicinity as a continuous natural environment.
- 8.2.2.2 To ensure that all new *developments* are *compatible* with the natural environment.

### **8.3.1 Policies**

- 8.3.1.1 The Niagara Escarpment Plan, as amended occasionally, prescribes designations, policies and *development* criteria to regulate land use within the Niagara Escarpment Plan area within the Town. The outer boundary of the Niagara Escarpment Plan Area is fixed and inflexible and shall only be changed by an amendment to the Niagara Escarpment Plan. The Niagara Escarpment Plan Area within the Town is shown on Schedule A.
- 8.3.1.2 The Niagara Escarpment Commission regulates *development* within the Niagara Escarpment Plan *Development* Control Area by issuing *development* permits.
- 8.3.1.3 *Development* within the Niagara Escarpment Plan Area includes changing the use of any land, building, or structure.
- 8.3.1.4 In review of *development* proposals within the Niagara Escarpment Plan Area, the Town shall apply the policies of the Niagara Escarpment Plan as well as the policies of this Plan. Where the guidelines of this Plan are more stringent than those in the Niagara Escarpment Plan, they shall take precedence unless doing so would conflict with the Niagara Escarpment Plan.
- 8.3.1.5 Section 9.1.6 of this Plan shall apply to the consideration of a *Development* Permit application to establish a new indoor cannabis or industrial hemp cultivation facility.
- 8.3.1.6 Notwithstanding Schedule D: Transportation, new roads and road improvements within the Niagara Escarpment Plan Area shall harmonize with the Escarpment landscape. The objective is to design and locate new and expanded transportation facilities to minimize the impact on the Escarpment environment and the natural and agricultural landscape. Any *development* shall comply with the objectives, policies and *development* criteria of the Niagara Escarpment Plan.
- 8.3.1.7 The Town will support the *development* of the Niagara Escarpment Parks and Open Space Systems within the Plan Area.

## Section 9: ~~Agriculture and Rural Settlement~~ Rural Area Land Use

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This Section establishes the objectives, policies, and permitted uses for each land use designation identified on Schedule A1 – ~~Agriculture and Rural~~ Rural Area Land Use. The land use designations and policies provide direction for *development* and the basis for decision-making involving applications under the *Planning Act*.

Schedule A1 – ~~Agriculture and Rural~~ Rural Area Land Use establishes the pattern of land use in the Town by establishing the following Land Use Designations:

~~Agriculture and Rural Settlement~~ Rural Area

~~Employment~~

Specialty ~~Agriculture~~ Crop Area  
(Greenbelt)

~~Industrial~~

~~Rural Commercial~~

~~Airport~~

Prime Agriculture

~~Mineral Aggregate Extraction~~

Rural Settlement

Rural Lands

Airport

## 9.1 Agriculture Rural Areas

The Town of Pelham uses an agricultural system approach to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network.

The town's ~~agricultural-rural~~ area comprises of lands identified as Protected Countryside in the Province of Ontario Greenbelt Plan, consisting of speciality crop area and the GBNHS, specialty agriculture lands, Prime Agriculture areas, rural lands, Prime Agriculture—and the rural *settlement areas* of Ridgeville and North Pelham. Within ~~the farm~~the rural area are environmental features managed as part of the *Natural Environment System (NES)*, ~~which also makes up part of the agricultural system~~. Preserving the integrity and function of the farm-rural area is *essential* to the ongoing sustainability of the agricultural sector and a key objective of this Plan.

The Specialty ~~Agriculture-Crop Area~~ designation implements the Province of Ontario's Greenbelt Plan. It recognizes the unique ability of the Specialty Crop Area to produce certain crops and their importance in the Provincial, Regional, and Town economies. The Prime Agriculture designation protects and maintains land suitable for agricultural production and permits uses that support and/or are *compatible* with agriculture.

Preserving a balance between the ability of agricultural operations to function efficiently and profitably and the protection and management of natural heritage features is *essential* to the ongoing sustainability of agricultural protection. Initiatives to restore lands to natural heritage status must consider impacts on farming. Where there are potential conflicts or adverse impacts on the right to farm, the right of *agricultural uses* to continue will prevail.

Agricultural lands within the Town are diversified and support producing a broad and evolving range of crops and raising livestock and poultry. These lands are an *essential* asset to the Town and will be preserved for the benefit of current and future generations. The agricultural sector in the Town is and will continue to be a major contributor to all aspects of the Town's economy.

The Town is committed to fostering a vibrant and diverse agricultural sector supporting entrepreneurship and innovation, recognizing agriculture's vital role in our economic growth. Through this Official Plan, we encourage the *development* of new and innovative *agricultural uses*, such as sustainable farming practices, agri-tech ventures, *on-farm diversified uses*, and agritourism initiatives that contribute to the vitality of the local economy.

Within the Town's rural area, there are identified mineral aggregate resources such as sand, gravel, stone and shale that form an important component of the Town's economy. These resources are finite and must be protected from incompatible land uses

or uses that would limit their extraction in the future. These uses are permitted within the agricultural system as interim land uses.

By promoting a flexible regulatory environment and supporting entrepreneurial endeavours, the Town aims to create opportunities for farmers and new agricultural businesses to thrive while maintaining the integrity of the rural landscape. This approach will help diversify the farm economy, create new jobs, and strengthen the connection between the community and the land.

The key objectives of ~~this designation~~this Section of the Plan are to recognize, respect and value the full range of goods and services delivered to the community through good farming practices and to promote the preservation of agricultural lands.

### 9.1.1 Permitted Uses

Subject to the policies of this Plan and any applicable implementing By-laws or guidelines, the following uses are generally supported on lands designated as Specialty ~~Agriculture-Crop Area~~ or Prime Agriculture:

a) ~~Normal farm practices and agricultural uses, including on-farm diversified uses.~~

b) ~~Agriculture-related uses;~~

~~c) On-farm diversified uses;~~

~~d) Residential uses, including additional residential units, bed and breakfast, home industries and home-based businesses, provided either of the following is met:~~

~~i) the lot is a legally existing lot of record, and the dwelling complies with minimum distance separation formulae; and~~

~~ii) the dwelling is an accessory to an agricultural or agriculture-related use.~~

~~e) Extraction of mineral aggregates and petroleum resources as an interim, non-agricultural use, in accordance with the policies of this Plan in its entirety, provided that:;~~

~~i) Impacts to the prime agricultural areas are addressed, in accordance with policy 4.3.5.2 of the PPS; and~~

~~ii) The site will be rehabilitated back to an agricultural condition.~~

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iii) Despite policy 9.1.1 d) ii), complete rehabilitation to an agricultural condition is not required if:

- The depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible; and
- Agricultural rehabilitation in the remaining areas is maximized.

ef) Licensed indoor cannabis and industrial hemp cultivation in accordance with the Cannabis Act and subject to other relevant policies of this Plan may be permitted, subject to the Town's Zoning By-law and site plan control pursuant to the *Planning Act*, and the Town of Pelham Site Plan Control By-law.

### 9.1.2 Policies

9.1.2.1 Agricultural lands are delineated on Schedule A1 as Specialty ~~Agriculture Crop Area~~ or Prime Agriculture.

~~9.1.2.2 As part of the agricultural land base, prime agricultural areas and specialty crop areas shall be designated as protected for long-term use for agriculture.~~

9.1.2.32 Agriculture and *normal farm practices* shall be the predominant land use within the Specialty ~~Agriculture-Crop Area~~ or Prime Agriculture designations. All types, sizes, and intensities of *agricultural uses* and *normal farm practices* shall be prioritized and protected.

9.1.2.34 Lot creation and land uses for non-agricultural purposes shall be directed away from the Specialty ~~Agriculture-Crop Area~~ or Prime Agriculture designation and to *settlement areas*. Limited residential lot creation may be considered on rural settlement lands, subject to applicable policies.

~~9.1.2.4 Where there is a possibility of potential conflict between agricultural and non-agricultural uses, land use compatibility will be achieved by avoidance. Where avoidance is not possible, minimizing and mitigating adverse impacts on the agricultural use(s) shall be required in accordance with the recommendations of an *Agricultural impact assessment* or similar study to the satisfaction of the Town. Where mitigation is needed, the applicant shall incorporate applicable mitigation measures as part of developing non-agricultural use.~~

~~9.1.2.5 Impacts from any new or expanding non-agricultural uses on the agricultural system, including the agricultural land base and the agri-food network, are to be avoided, or where avoidance is not possible, minimized or mitigated as~~

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determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance.

9.1.2.56 An application for *development* or *site alteration* related to agricultural impact shall be prepared by a qualified professional, such as an Agrologist, as part of a complete application. Such a study would be undertaken to evaluate the potential impacts of non-agricultural uses on ~~agricultural lands and operations, the agricultural system, including the agricultural land base and agri-food network,~~ demonstrate *compatibility* with surrounding agrarian uses, and recommend ways to avoid the *adverse effects* on the agricultural land base.

~~9.1.2.6 The *Minimum distance separation* Formulae (MDS), as amended occasionally, shall be utilized for locating new developments where permitted. Separation distances between new or expanding livestock operations and other land uses in the area shall also be in accordance with the MDS.~~

~~9.1.2.7 New land uses in prime agriculture areas, including the creation of lots or new or expanding livestock facilities, shall comply with the minimum distance separation formulae.~~

9.1.2.78 Where accommodations are required for seasonal workers to support a farming operation, such accommodations are considered an *agricultural use* and may be provided in a permanent structure either located within an existing building cluster or within a structure existing on the date of passing of this Plan that will be retrofitted, provided the permanent structure:

- a) meets *minimum distance separation* formulae and will not hinder adjacent farming operations from being able to expand;
- b) removes minimal lands from agricultural production, being located in priority agricultural lands as identified through Canada Land Inventory Soil Capability Data; and
- c) provides accommodations for day-to-day or extended seasonal labour.

9.1.2.89 All types, sizes and intensities of *agricultural uses* shall be encouraged.

9.1.2.910 The redesignation of lands within the Prime Agriculture ~~or Specialty Agriculture~~ designation may only be considered for expansions of, or identification of settlement areas, in accordance with provincial policy. ~~will not be supported where it would result in the removal of lands from the agricultural area, does not comply with minimum distance separation calculations, cannot prove an identified need within the planning horizon of~~

~~this Plan, and where reasonable alternative locations for the proposal exist. Such a request requires approval from the Minister of the Ministry of Municipal Affairs and Housing in accordance with Ontario Regulation 525/97 under the *Planning Act*.~~

~~9.1.2.11~~ Lands within the *Specialty Crop Area* designation shall not be redesignated for non-agricultural uses.

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~~9.1.2.10~~12 Waste disposal sites, transfer stations, and automotive recycling uses, including tire storage and recycling, are not permitted in the Prime Agriculture or Specialty ~~Agriculture-Crop Area~~ designation. Other uses such as compost facilities, soil manufacturing, storage or processing of treated solid material that is leftover from the municipal wastewater treatment process, and storage or processing of other non-agricultural source material, are also prohibited in the Prime Agriculture or Specialty ~~Agriculture-Crop Area~~ designation if the use is not primarily related to the farm operation on the lands.

### **9.1.3 Specialty ~~Agriculture~~Crop Area**

The Specialty ~~Agriculture-Crop Area~~ designation aims to implement the Province of Ontario's Greenbelt Plan and recognize the importance of the Specialty Crop Area in the Provincial and Regional economies. In addition to the policies in Section 9.1.2, the following policies apply.

~~9.1.3.1~~ The re-designation of lands in the Specialty Agriculture designation to another designation in this Plan is not permitted except in accordance with the Greenbelt Plan or any amendment made thereto.

~~9.1.3.2~~1 All lands in the Specialty ~~Agriculture-Crop Area~~ designation shall be placed in an appropriate Agricultural Zone in the implementing Zoning By-law. Existing uses permitted by this Plan shall be placed in appropriate exception zones if the Town 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.

~~9.1.3.3~~2 Uses not permitted in the Specialty ~~Agriculture-Crop Area~~ designation but were established on or before December 16, 2004, shall be deemed permitted. Permission to expand buildings, structures or accessory uses associated with a legal nonconforming use may be considered and legally established existing uses may be converted into uses more in conformity with this Plan, subject to an amendment to the Zoning By-law or approval of a Minor Variance and as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance.

9.1.3.3 In considering an application as described in policy 9.1.3.2, the Committee shall have regard for the following criteria:

- a) the proposal does not result in the intrusion of new or expanding non-agricultural or incompatible uses;
- b) the impacts the proposed *development* would have on adjacent agricultural activities and the tillable area of the property;
- c) where applicable, the proposal conforms with OMAFRA's Guidelines as updated;
- ~~d) the proposal does not negatively impact the integrity of a non-agricultural use;~~
- de) in the event of a *conversion* or *development* proposal, an *agricultural impact assessment* shall be completed by a qualified professional;
- ef) the proposal does not require the provision or extension of a municipal water or sewer system;
- fg) the proposal does not expand into key natural heritage or hydrologic features unless there is no other alternative. In such a case, an expansion shall be limited in scope, kept within close geographical proximity to the existing structure and conform to the policies of this Plan.
- gh) where the proposed expansion is located within lands regulated by the *Conservation Authority*, which includes watercourses, valleys, *flood plains*, *wetlands*, unstable soil and unstable bedrock, a permit will also be required from the *Conservation Authority*.

#### **9.1.4 Consents in the Prime Agricultural Area**

~~The division of lands within the *prime agricultural area* is subject to the applicable policies in this Plan, any applicable implementation By-Laws or guidelines, and any agency having jurisdiction. Residential lot creation in prime agriculture areas is only permitted in accordance with provincial guidance, and the following policies shall apply:~~

~~9.1.4.1 Where consent is granted in the *prime agricultural area* of the Town, a The Zoning By-Law Amendment will not be required to recognize an undersized lot, and the lot shall be deemed to comply with the minimum lot area established within the Comprehensive Zoning By-Law.~~

- ~~9.1.4.2 — A new lot will not be deemed to be created where consent to sever is proposed to consolidate two or more lots into one, minor adjustments to rectify encroachment, legal or technical reasons, and severing two or more lots that unintentionally merged in title.~~
- ~~9.1.4.3 — Consents may be supported for *infrastructure* where the facility or corridor cannot be accommodated through easements or rights of way.~~
- ~~9.1.4.4 — Consents may be supported for conveyance to public bodies or non-profit entities for natural heritage conservation, provided the conveyance does not create a separate lot for a residential dwelling.~~
- ~~9.1.4.5 — Consents may be supported for *agricultural uses* having a minimum lot area of 40 hectares within the Agriculture and Countryside designations.~~
- ~~9.1.4.6 — Consents may be supported for *agriculture related uses* within the Prime Agriculture designation provided that:~~
- ~~a) — the retained lot has a minimum lot area of 40 hectares;~~
  - ~~b) — the lot area to accommodate the *agriculture related use* is limited to a size that will include the use, water and wastewater servicing *infrastructure*, and minimize agricultural land consumption;~~
  - ~~c) — A hydrogeological Assessment is submitted as part of a complete application prepared by an engineer and~~
  - ~~d) — an *agriculture impact assessment* or similar study is submitted as part of a complete application prepared by a qualified professional, such as an agrologist.~~
- ~~9.1.4.7 — A consent may be supported for a residence surplus to a farming operation as a result of a farm consolidation on lands within the prime agricultural area, provided that the applicant has demonstrated as part of a complete application that:~~
- ~~a) — the residence surplus to the farming operation is the direct result of a farm consolidation where the farming operation is merged with a contiguous farming operation in which no new lot is created or located within the Town or an adjacent municipality;~~
  - ~~b) — the residence surplus to the farming operation must be considered a habitable residential dwelling that meets building code requirements for occupancy;~~

- ~~c) the lands to be consolidated as part of the farming operation have been purchased by a bona fide farming operator before the application for consent, or there is a legally binding agreement of purchase and sale;~~
- ~~d) that the proposal will comply with the *Minimum distance separation* Formulae, specifically:
 
  - ~~i) where the existing surplus residence is to be severed, and a livestock facility or anaerobic digester is located on separate lots before the consent, *Minimum distance separation* Formulae I is not required. However, a warning clause may be required as a condition of the surplus residential lot regarding potential odour nuisance;~~
  - ~~ii) as per Provincial guidelines, reductions in Minimum Distance Separation Formulae I are not permitted where the existing surplus residence and livestock facility or anaerobic digester are located on the same lot before the consent but will be located on a separate lot from an existing livestock facility or anaerobic digester on the farmlands to be consolidated after the consent is created.~~~~
- ~~e) where located in or within 300 metres of a deposit of *mineral aggregate resources* or an existing *mineral aggregate operation*, it shall comply with the *mineral aggregate resources* policies of this Plan concerning land use *compatibility* and not hinder access to resources or expansion of existing operations. In this regard, an assessment of potential impacts, mitigation and/or warning clause may be required;~~
- ~~f) where new servicing is required, a surplus farm dwelling severance shall only be permitted where servicing can be provided with no *negative impacts* on water quality and quantity as demonstrated by a Hydrogeological Study completed by a qualified engineer.~~
- ~~g) the severed lot containing the residence shall have a minimum lot area of 0.4 hectares and a maximum lot area of 1 hectare based on:
 
  - ~~i) accommodation of the surplus residence, accessory residential buildings and structures, existing access, and water and wastewater services;~~
  - ~~ii) minimum lot frontage of 20 metres, measured from the front of the lot to the rear of the lot;~~~~

- ~~iii) safe and direct access to a public road, maintained year-round to the satisfaction of the road authority;~~
- ~~iv) compatibility with surrounding established lot fabric;~~
- ~~v) location within proximity to an existing building cluster;~~
- ~~vi) minimization of agricultural land consumption; and~~
- ~~vii) the lands containing the residence surplus to the farming operation have been owned by a bona fide farming operator for at least three years, as demonstrated through land titles and a farm business registration number;~~

~~9.1.4.8 For a surplus farm dwelling consent, a bona fide farming operator:~~

- ~~a) must own and be the operator of a farming operation on the lands from which the surplus dwelling is proposed to be severed;~~
- ~~b) must provide proof of ownership of other farm properties, including evidence of a farm business registration number applicable to the properties;~~
- ~~c) must own a residence elsewhere, therefore rendering the residence on the subject farm surplus to their needs; and~~
- ~~d) may include a limited company sole proprietorship, incorporated company, numbered company, partnership, non-profit, or similar ownership forms, provided they have a farm business registration number.~~

~~9.1.4.9 In situations where the agricultural portion of the subject lands is rented in whole or in part to others, the owner shall not qualify as a bona fide farming operator, unless there is a shared crop agreement in place.~~

~~9.1.4.10 New residential dwellings will be prohibited through the applicable implementation bylaw on any remnant parcel of the retained lands to be consolidated as part of the farming operation.~~

~~9.1.4.11 Surplus farm dwelling severance proposals for irregular or flag-shaped lots, having a narrow frontage or another form of lotting fabric inconsistent with the surrounding area, should not be supported.~~

~~9.1.4.12 Consents may be supported for minor boundary adjustments or technical reasons such as an easement or right-of-way, which do not create a~~

~~separate building lot, does not negatively impact the farming operation, and does not create increased fragmentation of a key natural heritage or hydrologic feature.~~

~~9.1.4.13 Consents may be supported for *infrastructure* purposes as permitted in this Plan, where the facility or corridor cannot be accommodated through an easement or right of way and provided the Provincial Planning Statement and the Greenbelt Plan support the *infrastructure*.~~

~~9.1.4.14 Consents may be supported for conveyance to public bodies or non-profit entities for natural heritage conservation, provided the conveyance does not create a separate lot for a residential dwelling.~~

~~9.1.4.1 Consents may be supported for agricultural uses having a minimum lot area of 40 hectares within the prime agricultural area designation.~~

~~9.1.4.2 Lot creation in *prime agricultural areas* is discouraged and may only be permitted in accordance with provincial guidance for:~~

~~a) *Agricultural uses*, provided that the lots are of a size appropriate for the type of *agricultural use(s)* common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;~~

~~b) *Agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;~~

~~c) One new residential lot per farm consolidation for a *residence surplus to an agricultural operation*, provided that:~~

~~i) The new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and~~

~~ii) The Town ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective; and~~

~~d) *Infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.~~

9.1.4.3 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

#### **9.1.5 Consents in the Specialty ~~Agriculture-Crop Area~~ (Greenbelt)**

In addition to the policies in subsection 9.1.4 above, the following shall apply to all lands within the Specialty ~~Agriculture-Crop Area~~ designation in accordance with the Greenbelt Plan.

- 9.1.5.1 The severance of a surplus farm dwelling as a result of farm consolidation, on which a habitable residence was an existing use constructed before December 16, 2004, is permitted, subject to the following:
- a) the severance will be limited to the 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by the Provincial and Regional requirements to a maximum of 1 hectare. Proposals that exceed 1 hectare may be considered, subject an amendment to this Plan;
  - b) the farms must be merged in title, or the remnant farm parcel must be rezoned to preclude residential *development* in perpetuity;
  - b) the applicant must be a ~~bona fide farming~~farm operator; and
  - c) the remnant parcel of farmland should be of a substantive size to function as a *significant* part of the overall farm unit.
- 9.1.5.2 Consents may be supported for *agricultural uses* provided that the remnant and retained parcels are both to be used for farming purposes and maintain a minimum lot size of 16 hectares.
- 9.1.5.3 Consents may be supported for *infrastructure* purposes as permitted in this Plan, where the facility or corridor cannot be accommodated through an easement or right-of-way and provided the Provincial Planning Statement and the Greenbelt Plan support the *infrastructure*, provided that:
- a) the need has been demonstrated and it has been established that there is no reasonable alternative; and
  - b) an agricultural impact assessment has been completed by a qualified professional.

#### **9.1.6 Indoor Cannabis and Industrial Hemp Cultivation**

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Indoor cannabis and industrial hemp cultivation facilities that the Federal Government authorizes may be permitted in the Specialty ~~Agriculture-Crop Area~~ and Prime Agriculture designations subject to the passage of an amendment to the implementing Zoning By-law. Before considering the approval of a Zoning By-law Amendment or an application to expand a legal non-conforming indoor cannabis facility, the Town shall be satisfied that:

- 9.1.6.1 The proposed greenhouse or other type of building will be designed and sited to blend in with surrounding land uses to maintain the area's existing agricultural and rural character.
- 9.1.6.2 The *adverse effects* of the noise, dust, odour and light from the proposed facility on *sensitive land uses* in the area can be avoided and, if avoidance is not possible, minimized and appropriately mitigated, as demonstrated by the required studies identified in Sections 9.1.6.17 to 9.1.6.20, Section 12.2 and Table 12.1 of this Plan;
- 9.1.6.3 *Sensitive surface water features* and *sensitive groundwater features* in the area will be protected, improved or restored with consideration given to the taking of water and the generation of effluent;
- 9.1.6.4 Adequate parking facilities are available on the lot for the proposed facility and the traffic generated by the proposed facility can be accommodated on area roads;
- 9.1.6.5 The proposed facility can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
- 9.1.6.6 Stormwater management needs can be met on site;
- 9.1.6.7 The waste generated from the facility can be appropriately managed; and
- 9.1.6.8 The proposed setback, as determined by the required studies in Sections 9.1.6.17 to 9.1.6.20, Section 11.2 and Table 11.1 of this Plan, from *sensitive land uses* in the area is appropriate to avoid, and if avoidance is not possible, minimize and appropriately mitigate any *adverse effects*.
- 9.1.6.9 If a component(s) of the proposed facility includes value-added components that would make this component of the facility an *agriculture-related use*, it must be demonstrated that this component of the facility:
  - a) shall be *compatible* with and shall not hinder surrounding agricultural operations;
  - b) is directly related to farm operations in the area;

- c) supports agriculture;
  - d) benefits from being in close proximity to farm operations; and
  - e) provides direct products and/or services to farm operations as a primary activity.
- 9.1.6.10 Approved indoor cannabis and industrial hemp cultivation facilities shall be subject to Site Plan Control.
- 9.1.6.11 It is the intent of this Plan that Site Plan approval will be required for all proposed indoor cannabis and industrial hemp cultivation facilities that may be permitted in accordance with the Policies of Section 9.1.6 to the maximum extent afforded under the *Planning Act*, in order to proactively mitigate *adverse effects* where possible and to maximized *compatibility* with land uses in the surrounding area.
- 9.1.6.12 In order to assist with the consideration of a proposed agriculture-related use involving cannabis or industrial hemp, regard should be given to the Guidelines on Permitted Uses in Ontario's *Prime agricultural area*. An amendment to this Plan is not required for a proposed agriculture-related use involving cannabis or industrial hemp.
- 9.1.6.13 Any construction of a building or structure associated with a proposed indoor cannabis or industrial hemp cultivation facility is subject to the Ontario Building Code and will require the submission of Mechanical and Electrical Design Specifications and Drawings for review prior to the issuance of a building permit. Final as-built drawings will also be required. These specification and drawings include those associated with air/odour filtration systems and equipment for light pollution mitigation.
- 9.1.6.14 In recognition of the known *adverse effects* of odour, the avoidance of effects shall be a first principle. If *adverse effects* cannot be avoided, the minimization and mitigation of *adverse effects* must be considered. One of the ways to avoid, minimize and mitigate *adverse effects* is through the separation of *incompatible* uses through the use of setbacks.
- 9.1.6.15 Given the rolling topography of lands within the Specialty Agriculture designation and the resultant creation of numerous microclimates, it is anticipated that it will be more difficult to avoid *adverse effects* in this area when compared to lands within the Prime Agriculture designation if an indoor cannabis or industrial hemp cultivation facility was proposed.

- 9.1.6.16 The setbacks that are derived as a result of the review of an application for Zoning By-law Amendment or to expand a legal non-conforming indoor cannabis cultivation facility will depend on:
- a) whether the facility is a greenhouse or an industrial-type building and if a greenhouse is proposed, whether the proposed greenhouse is purpose built for cannabis or industrial hemp or already exists;
  - b) the size and scale of the proposed facility;
  - c) the proximity and number of *sensitive* uses in the area including the potential for additional *sensitive* uses on vacant lots that are zoned to permit a *sensitive* use;
  - d) the location of the proposed facility in relation to prevailing winds;
  - e) the nature of the *adverse effects* that exist at the time in relation to existing indoor cannabis cultivation facilities; and
  - f) the impact of topography on the dispersion of odour.

#### **Specific Required Studies**

- 9.1.6.17 The studies listed in this Section shall be required to satisfy the *development* criteria set out in Sections 9.1.6.1 to 9.1.6.8 of this Plan and peer reviews of these studies may be carried out by the Town at no cost to the Town. The studies listed in this section would be in addition to an other studies required in Section 12.2 and Table 12.1.
- 9.1.6.18 At no cost to the Town, the proponent will submit an Air Quality Study (AQS) that is prepared by a Licensed Engineering Practitioner (which means they must be licensed by Professional Engineers Ontario) that shall:
- a) document the emission sources at the facility and quantify the emission rates of air contaminants including odour, chemicals and particulate matter;
  - b) detail the proposed air filtration and odour control systems and other mitigation measures that will be used to manage odour.
  - c) include atmospheric dispersion modelling predictions that show odour and containment concentration predictions along the property line and extend outward 5 kilometres from the facility into the surrounding community.

- d) include a review of the impacts of other cannabis and industrial hemp facilities within the area to determine the extent of the potential cumulative *adverse effects*;
- e) in addition to subsections b through d) and to minimize the likelihood of *adverse effects*, the AQS should target a *sensitive* receptor impact of two odour units, however the Town will consider other odour impact predictions. An electronic copy of the atmospheric dispersion model files used in the AQS shall be included with the submission; and
- f) in addition to the above, the proponent of the proposed facility will submit a Contingency Odour Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional air filtration systems or other mitigation measures for use in the event of substantiated future complaints after the use has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

9.1.6.19 At no cost to the Town, the proponent will submit a Light Mitigation Plan, prepared by a Licensed Engineering Practitioner that shall:

- a) fully describes the proposed light mitigation measures and demonstrates that the proposed facility will not causes light pollution, including sky glow or light trespass onto neighbouring properties; and
- b) in addition to subsection a), the proponent will also submit a Contingency Light Pollution Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional mitigation measures and implementation timelines for use in the event of substantiated future complaints after the use has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

9.1.6.20 At no cost to the Town, the proponent will submit a Traffic Impact Study to the satisfaction of the Town that demonstrates that the proposed facility will not cause any traffic hazards or an unacceptable level of congestion on roads in the area.

### **Implementing Zoning By-law**

9.1.6.21 Only lands that have satisfied the requirements of Section 9.1.6 of this Plan shall be placed in a zone that permits indoor cannabis and industrial hemp cultivation facilities in the implementing Zoning By-law.

- 9.1.6.22 In accordance with Sections 9.1.6.17 to 9.1.6.18, Section 12.2 and Table 12.1 of this Plan, the Town will determine what supporting information (i.e. reports and studies) are required as part of the complete application submission involving a rezoning application and inform the applicant of these requirements through the Town’s pre-consultation process. In an application is proposed to be submitted to the Committee of Adjustment to expand a legal non-conforming indoor cannabis or industrial hemp cultivation facility, the applicant is encouraged to consult with the Town to determine study requirements.

### **9.1.7 Agriculture-Related and On-farm Diversified Uses**

Agriculture-related and *on-farm diversified uses* may be permitted in accordance with the policies of this Plan. Allowing a range of appropriate on-farm uses contributes to economically sustainable agriculture in the Town. This preserves the agricultural land base, supports the agricultural community and maintains the scenic quality of the agricultural landscape. Such uses may be permitted subject to any implementing By-laws and guidelines and to the applicable policies of this Plan including the following:

- 9.1.7.1 In determining what constitutes an *agricultural use* versus an agricultural-related use or *on-farm diversified use* reference shall be made to the definitions and policies of this Plan and the implementing Zoning By-law, and the Guidelines on Permitted Uses in Ontario’s *Prime agricultural areas* (Publication 851).
- 9.1.7.2 *Development and intensification* of agriculture-related and *on-farm diversified uses* shall be *compatible* with, and not hinder, surrounding farming operations and *agricultural uses*.
- 9.1.7.3 The *development and intensification* of agriculture-related and *on-farm diversified uses* shall be *compatible* with available rural services such as road access, private water and wastewater services, utilities, fire protection, emergency services, and other public services.
- 9.1.7.4 Agriculture-related and *on-farm diversified uses* shall be developed in accordance with all applicable municipal, *provincial and federal requirements* on emissions, noise, odour, nuisance, *compatibility*, water, and wastewater standards and receive all relevant environmental approvals. Where applicable, the applicant shall demonstrate that all applicable federal and provincial approvals have been obtained to ensure a coordinated approach to planning and *development* of said use.
- 9.1.7.5 *Agriculture-related uses* may be subject to applicable policies in this Plan, implementing By-laws, Provincial Guidelines, any agency having jurisdiction, and where the applicant has demonstrated the proposed use:

- a) is a farm-related commercial or industrial use;
- b) is *compatible* with and will not hinder surrounding agricultural operations;
- c) is directly related to farm operations in the area;
- d) benefits from being in close proximity to farm operations;
- e) supports agriculture; and
- f) provides direct products and/or services to farm operations as a primary activity.

9.1.7.6 *On-farm diversified uses* may be permitted subject to applicable policies in this Plan, implementing By-laws, Provincial Guidelines, any agency having jurisdiction and where the applicant has demonstrated that the following will be achieved:

- a) the use will be located within the limits of a farming operation;
- b) the use is limited in size and scale, relative to the size of the farm property;
- c) the use shall remain secondary to the principal agricultural uses of the property; and
- d) the use shall be subject to the *Minimum distance separation* Formulae.

9.1.7.7 Agriculture-related and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal planning documents, which achieve the same objectives.

9.1.7.78 Agriculture-related and *on-farm diversified uses* shall be subject to Site Plan Control.

**9.1.8 Non-Conforming Uses in the Agricultural System**

9.1.8.1 This Plan shall not prohibit the continued operation of legally established uses, such as residential, commercial, employment, agricultural, and institutional uses.

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9.1.8.2 Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or redevelopment of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:

- a) new municipal services are not required;
- b) the proposal does not expand into *key natural heritage features and key hydrological features*, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
- c) if applicable, the proposed new use complies with the *Specialty Crop Guidelines*, as amended from time to time;
- d) for conversions or *redevelopments* only, the completion of an *agricultural impact assessment* by a qualified professional;
- e) the proposal does not result in the intrusion of new incompatible uses; and
- f) the proposed use is in accordance with the *minimum distance separation formulae*.

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### **9.1.89 Special Exceptions**

The following existing land uses do not conform to the permitted uses listed in Section 9.1.1. However, notwithstanding Section 9.1, they are considered to be permitted to be used 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.

#### **9.1.89.1 Harold S. Bradshaw Park**

- a) In addition to the permitted uses of the Prime Agriculture designation, those lands located at in Part Lot 10, Concession 13 and known municipally as 520 Chantler Road, may also be used for a public park and accessory uses.

#### **9.1.89.2 Harold Black Park**

- a) In addition to the permitted uses of the Prime Agriculture designation, those lands located in Block 58, Plan 59M-104 and Parts 1 to 3 Plan 59R-2485 and Part 1, Plan 59R-3710, municipally known as 953 Haist Street, may also be used for a public park and accessory uses.

9.1.89.3 Centennial Park

- a) In addition to the permitted uses of the Speciality Agriculture-Crop Area designation, those 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 14, Concession 14, may also be used for a public park and accessory uses.

9.1.89.4 1732 Cream Street

- a) In addition to the permitted uses of the Specialty Agriculture-Crop Area designation, those lands located at 1732 Cream Street may also permit a secondary dwelling on a heritage property and the subject lands are exempt from Site Plan Control.

9.1.89.5 392 Killman Road

- a) In addition to the permitted uses of the Speciality Agriculture-Crop Area designation and any applicable policies of the Niagara Escarpment Plan, those lands located at 392 Killman Road may also permit a day camp use including a picnic pavilion, washroom facility, and playing fields involving approximately two hectares (5 acres) on the northern upland portion of the 57 hectare (140 acre) parcel of land on Part of Lots 7 and 8, Concession 5 subject to the following:
  - i) day campers are limited to no more than 50 people per day;
  - ii) non-agricultural buildings and structures are limited to picnic pavilion and a 4500 litre/day washroom facility;
  - iii) uses on the site, excluding the approximately two hectare (5 acre) parcel on the upland portion, are to be limited to agriculture, conservation, nature viewing, and walking trails;
  - iv) overnight camping is not permitted; and
  - v) recreation uses and *development* on the site shall be in accordance with the policies of the Niagara Escarpment Plan.

9.1.89.6 1389 Effingham Street

- a) In addition to the permitted uses in the Specialty Agriculture-Crop Area designation, those lands located at 1389 Effingham Street may also allow a farm winery, subject to the following:

- i) a farm winery shall be defined as:

**Farm Winery** means a use that utilizes fruit to produce and market wine per Provincial law and regulation. A farm winery may also include a distillery, cidery or microbrewery. A farm winery can include the retail sale of wine, a hospitality room with food and wine service, a winery office and a laboratory.

- ii) the maximum ground floor area for buildings and structures for a farm winery shall not exceed 520 m<sup>2</sup>; and
- iii) in addition to the farm winery of 520m<sup>2</sup>, agricultural, agriculture-related and/or *on-farm diversified uses* will be subject to the policies of the Official Plan.

### **9.1.10 Special Policy Area – 1**

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Special Policy Area – 1 recognizes a long-standing area historically identified as industrial, where existing and new non-agricultural uses can be consolidated to promote compatibility and economic development within the Town. These lands are generally located along Webber Road and are serviced by private onsite sewage and water systems. They are intended to complement the adjacent Niagara Central Dorothy Rungeling Airport and regional agri-business.

9.1.10.1 Subject to the policies of this Plan and any other applicable implementing by-laws or guidelines, and in addition to the uses permitted in section 9.1.1, the following uses are also generally supported on lands located within Special Policy Area - 1:

- a) Manufacturing, processing, assembling, fabricating, servicing, and storage of goods and raw materials;
- b) Warehousing and wholesaling;
- c) Agriculture and agriculture-related research uses which do not involve the keeping of livestock;
- d) Service sector industries including transportation, communication and business services.
- e) Licensed indoor cannabis and industrial hemp cultivation in accordance with the Cannabis Act and subject to the policies of Section 9.1.6 of this Plan may be permitted subject to the Town's Zoning By-law and site plan control pursuant to the

Planning Act and the Town of Pelham Site Plan Control By-law, except that a retail use is not permitted as an accessory use to an indoor cannabis or industrial hemp cultivation facility

f) Automobile repair and service and auto sales.

g) Uses incidental or ancillary to non-agricultural operations, such as a retail or wholesale division operated as a subsidiary function of any industry, may be permitted in the Special Policy Area -1.

h) Retailing is only permitted as an accessory use to a permitted use and will be limited in size so as not to interfere with or detract from the primary function of the area.

9.1.10.2 The Zoning By-law shall regulate Special Policy Area – 1 uses through the establishment of appropriate zone categories.

9.1.10.3 All development within Special Policy Area - 1 shall be subject to Site Plan Control in accordance with the policies of this Plan.

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## 9.2 Rural Settlement

The Rural Settlement designation aims to recognize the existing *settlement areas* of North Pelham and Ridgeville, which are not expected to experience *significant* growth in the Town. The key objectives of this designation are to ~~provide for limited development in the Rural Settlement area while maintaining its small community~~ allow limited development in the Rural Settlement area while maintaining its small-community character.

### 9.2.1 Permitted Uses

Subject to the policies of this Plan and any applicable implementing By-laws or guidelines, the following uses are generally supported on lands designated as Rural Settlement:

- a) Residential uses, including *additional residential units*, home industries and home-based businesses, bed and breakfasts and group homes;
- b) *Institutional uses*, including elementary and secondary schools, community facilities, churches and places of worship and *public service facilities*;
- c) Parks and open space; and
- d) Small-scale industrial or commercial uses that serve the needs of the settlement and the surrounding agricultural area.

## 9.2.2 Policies

~~9.2.2.1 Rural settlement areas play an important housing, cultural and economic role for the rural settlement area and the surrounding agricultural area.~~

~~9.2.2.1 Healthy, integrated and viable rural areas should be supported by:~~

~~a) building upon rural character, and leveraging rural amenities and assets;~~

~~b) promoting regeneration, including the redevelopment of brownfield sites;~~

~~c) accommodating an appropriate range and mix of housing in rural settlement areas;~~

~~d) using rural infrastructure and public service facilities efficiently;~~

~~e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;~~

~~f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;~~

~~g) conserving biodiversity and considering the ecological benefits provided by nature; and~~

~~h) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 4.3 of the PPS.~~

~~9.2.2.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.~~

~~9.2.2.3 When directing development in rural settlement areas in accordance with policy 2.3 of the PPS, the Town shall consider locally appropriate rural characteristics, the scale of development, and the provision of appropriate service levels. Growth and development may be directed to rural lands in accordance with policy 2.6 of the PPS.~~

9.2.2.2 New lots shall be created through consent or in accordance with Section 11.5.2 of this Plan and shall meet the following conditions:

- a) future growth should be encouraged in depth rather than in linear strips along existing roads;
- b) new lots shall be a minimum of 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate a private water supply and sustainable private services. In all cases, a minimum of 0.4 hectares of useable lot area for sustainable private services shall be provided;
- c) all *development* must have adequate private water supply and be suitable for private waste disposal in accordance with the requirements of the Town and/or the Ministry of the Environment; and
- d) any residential *development* in excess of five residential units shall be supported by a Functional Servicing Report and Hydrogeological Study to ensure that the *development* can be accommodated on sustainable private services without adversely impacting the quality of the groundwater and the adjacent uses.

9.2.2.3 All lands currently used for residential and non-residential purposes shall be placed in an appropriate Zone Category in the implementing Zoning By-law. All undeveloped land may be placed in a *Development* or Holding Zone, which will restrict the uses to those that exist on the date the implementing Zoning By-law comes into force and effect.

9.2.2.4 New non-residential uses may be permitted in the Rural Settlement designation and may be 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 new non-residential uses as outlined in Policy 9.2.1, the Town shall be satisfied that:

- a) ~~the proposed use gives consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels; is compatible with the character of the Rural Settlement;~~
- b) the use has frontage and safe ingress and egress onto a public road to the satisfaction of the Town and/or the Region of Niagara;
- c) the proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
- d) the use shall not have a negative impact on the enjoyment and privacy of the neighbouring properties;

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- e) adequate parking, loading and landscaping can be provided on site;
- f) where the proposed use is industrial in nature, the Town will have regard to the Ministry of the Environment and *Climate change D-6: Compatibility between Industrial Facilities and Sensitive land uses*; and
- g) where the lot boundary of the proposed use abuts or is in proximity to the lot boundary of existing residential uses, fencing, landscaping, berming or a combination of these features shall be utilized to ensure adequate separate screening between the uses.

9.2.2.5 Proposals for *development* will be reviewed to ensure that the *development* is orderly and well planned and the Town shall be satisfied that:

- a) adequate services such as school bussing and fire protection can be provided;
- b) the added *development* will not interfere with the operation of the arterial road system;
- c) existing problems such as pollution, inadequate water supply or conflicting land uses will not be aggravated; and
- d) *development* should minimize the impact on agricultural lands, natural hazard lands and on lands with the *Natural Environment System*.

9.2.2.6 No new Rural *Settlement areas*, expansions or minor boundary adjustments to existing Rural *Settlement areas* are permitted in the Specialty Agriculture designation.

9.2.2.7 Minor boundary adjustments of existing Rural *Settlement areas* shall be completed through an Official Plan Amendment subject to the following criteria:

- a) the adjustment is to address property boundary corrections such as split lots or property corrections/adjustments;
- b) the property area is minor in nature;
- c) the property area does not create a new lot;
- d) locally designated and/or listed heritage building(s) and/or features associated with the designation or listing may be added to ensure their

long-term protection provided the heritage building is on a property physically contiguous to the hamlet boundary;

- e) the adjustment does not include any lands that are identified as part of the *Natural Environment System* unless the lands are already part of the *Rural Settlement area*; and
- f) the boundary adjustment should comply with MDS formulae, as applicable.

### **9.3 Rural Commercial**

The rural commercial designation recognizes long-standing existing commercial lands which are primarily located along Highway 20 at the corner of Highway 20 and Maple Street and are serviced by private onsite sewage and water systems. The key objectives of the rural commercial designation is to recognize existing commercial uses that support the local agricultural community.

#### **9.3.1 Permitted Uses**

Subject to the policies of this Plan and any other applicable implementing by-laws or guidelines, the following uses are generally supported on lands designated as Rural Commercial:

- a) Small scale industrial or commercial uses that serve the needs of the settlement area and the surrounding agricultural and rural areas;
- b) Agriculture and *agriculture related uses*, including, but not limited to, farm supply and service establishments, and farm produce markets
- c) Service sector industries including transportation, communication, and business services.

#### **9.3.2 Policies**

9.3.2.1 The Zoning By-law shall regulate commercial rural uses through the establishment of appropriate zone categories.

9.3.2.2 New or expanding rural commercial uses shall be subject to Site Plan Control. In reviewing and application for Site Plan Control, the Town shall be satisfied that:

- a) the proposed use is *compatible* with the character of the Rural Settlement;

- ~~b) the use has frontage and safe ingress and egress onto a public road to the satisfaction of the Town and/or the Region of Niagara;~~
- ~~c) the proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal;~~
- ~~d) the use shall not have a negative impact on the enjoyment and privacy of the neighbouring properties;~~
- ~~e) adequate parking, loading and landscaping can be provided on site;~~
- ~~f) where the proposed use is industrial in nature, the Town will have regard to the Ministry of the Environment and *Climate Change D-6: Compatibility between Industrial Facilities and Sensitive Land Uses*; and~~
- ~~g) where the lot boundary of the proposed use abuts or is in proximity to the lot boundary of existing residential uses, fencing, landscaping, berming or a combination of these features shall be utilized to ensure adequate separate screening between the uses.~~

## ~~9.4 Industrial~~

~~The industrial designation provides an area where existing and new rural employment uses can be consolidated to promote *compatibility* and economic *development* within the Town. These lands are generally located along Webber Road and are serviced by private onsite sewage and water systems. They are intended to complement the adjacent Niagara Central Dorothy Rungeling Airport and regional agri-business.~~

~~The key objectives of the industrial designation are to maintain a supply of industrial lands to meet the long term needs of the Town, as well as to provide employment opportunities and support industrial uses that contribute to agri-business within the Town. The policies of this Plan will encourage high quality architectural design, landscape design and site design in all industrial *development* visible from the Webber Road corridor while minimizing the impacts of industrial areas on surrounding lands, particularly *sensitive land uses*.~~

### ~~9.4.1 Permitted Uses~~

~~Subject to the policies of this Plan and any other applicable implementing by-laws or guidelines, the following uses are generally supported on lands designated as Industrial:~~

- ~~a) Manufacturing, processing, assembling, fabricating, servicing, and storage of goods and raw materials;~~

- ~~b) Warehousing and wholesaling;~~
- ~~c) Agriculture and agriculture related research uses which do not involve the keeping of livestock;~~
- ~~d) Service sector industries including transportation, communication and business services.~~
- ~~e) Licensed indoor cannabis and industrial hemp cultivation in accordance with the Cannabis Act and subject to the policies of Section 9.1.6 of this Plan may be permitted subject to the Town's Zoning By-law and site plan control pursuant to the *Planning Act* and the Town of Pelham Site Plan Control By-law, except that;~~
- ~~i) A retail use is not permitted as an accessory use to an indoor cannabis or industrial hemp cultivation facility~~
- ~~f) Automobile repair and service and auto sales.~~
- ~~g) Uses incidental or ancillary to industrial operations, such as a retail or wholesale division operated as a subsidiary function of any industry, may be permitted in the Industrial designation.~~
- ~~g) Retailing is only permitted as an accessory use to a permitted use and will be limited in size so as not to interfere with or detract from the primary function of the area. Major retail uses are considered to be non-employment uses and are not permitted.~~

#### ~~9.4.2 Policies~~

~~9.4.2.1 The Zoning By-law shall regulate industrial uses through the establishment of appropriate zone categories. The following principles will guide the preparation of industrial zone categories:~~

- ~~a) the groups of industries with similar characteristics and performance standards;~~
- ~~b) the need for a *compatible* environment for industries free from interference and restriction by other uses;~~
- ~~c) minimizing land use conflict by ensuring industrial types are not indiscriminately mixed;~~

~~d) the protection of adjacent land uses, particularly residential areas, from the effects of industries; and~~

~~e) maximizing the amenity of the industrial area through the strategic placement of particular industrial uses.~~

~~9.4.2.2 Wherever industries abut residential, institutional, airport, recreational or other similar uses, adequate buffering will be required by measures such as landscaping, plantings, fencing and physical separations in order to minimize the effects of the industrial activity including visual appearance.~~

~~9.4.2.3 The industrial area, located along Webber Road shall be developed in an attractive manner to provide a positive statement of the Town. To achieve this, building and site design shall be of a high standard. In addition to the Urban Design Guidelines in Appendix 4 of this Plan, the following design principles shall be utilized:~~

~~a) the implementing Zoning By law shall contain performance criteria embracing building material, surfacing treatment, landscaping etc;~~

~~b) the provision of landscaped areas and accompanying landscaping shall form an integral part of all industrial developments. Landscaping and tree planting shall be provided to improve the streetscape, to function as screening and buffering devices between industrial and other adjacent land uses, and for aesthetic purposes;~~

~~c) open storage of goods and materials shall only be permitted in accordance with the provisions of the Zoning By law and appropriate landscaping and screening devices shall be utilized to shield the open storage areas to ensure the open storage areas will not detract from the intended character of the area;~~

~~c) parking and loading areas shall generally be restricted to side and rear yards;~~

~~d) parking facilities shall be provided in accordance with the provisions of the Zoning By law, and ingress and egress to such parking areas shall be provided to minimize potential conflict with vehicular and pedestrian traffic; and~~

~~d) all industrial activities shall be within wholly enclosed buildings.~~

~~9.4.2.4 The Town has a finite supply of industrial lands. Therefore, lands within the Industrial designation shall not be redesignated or rezoned to any other non-~~

~~employment use except with the support of an Official Plan Amendment. In undertaking an Official Plan Amendment, it shall be demonstrated that:~~

- ~~a) there is a need for the *conversion*;~~
- ~~b) the municipality will meet the employment forecasts prescribed by the Province;~~
- ~~c) the *conversion* will not adversely affect the overall viability of the employment area and the achievement of the *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; and~~
- ~~f) cross-jurisdictional issues have been considered.~~

~~9.4.2.5 All *development* within the Industrial designation shall be subject to Site Plan Control in accordance with the policies of this Plan.~~

~~9.4.2.6 Uses permitted in the Industrial designation are intended to be developed on private water and sewer services. Where any use is proposed to generate greater than 10,000 litres per day of wastewater, such use shall be required to submit a Functional Servicing Report and Hydrogeological Assessment for review by the Ministry of the Environment, Conservation and Parks in conjunction with an application for Site Plan Control.~~

## **9.3 Rural Lands**

### **9.3.1 Permitted Uses**

9.3.1.1 Permitted uses on rural lands include:

- a) Management or use of resources in accordance with all other applicable provisions of this Plan;
- b) Limited residential development in accordance with Section 9.3.2
- c) Agricultural uses, agriculture-related uses, on-farm diversified uses, normal farm practices, in accordance with this section;
- d) Home occupations and home industries in accordance with the relevant policies of this Plan and the Town's Zoning By-law regulations;

e) Cemeteries; and

f) Other uses not described in this chapter may be permitted, subject to an amendment to this Plan.

9.3.1.2 The predominant use of rural lands will continue to be agriculture, but some non-agricultural related development may be permitted subject to the policies in 9.3.1.1 and 9.3.2.

### **9.3.2 Non-Agricultural Uses on Rural Lands**

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9.3.2.1 Limited non-agricultural residential development may be permitted on rural lands in accordance with the policies of this section.

9.2.2.2 Proposals for non-agricultural residential development on rural lands must meet the following criteria and the general consent provisions in Policy 9.1.4, in addition to the other requirements of this Plan, and any other relevant provincial plans or documents:

a) A maximum of three new lots (in addition to the retained lot) maybe permitted on each lot in existence as of June 16, 2006;

b) The minimum size of the proposed and retained lots shall each be 1 hectare unless it is determined through a hydrogeological study, that considers potential cumulative impacts, that a smaller size lot will adequately accommodate private water and sewage treatment facilities for long-term operation but not be less than 0.4 hectares;

c) The development will be at a scale and density suitable to the physical characteristics of the site;

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

e) The proposed development will be consistent with Section 4; and

f) Proposed developments must be appropriately separated and protected from:

i. incompatible land uses such as existing pits and quarries;

ii. mineral aggregate resources recognized in this Plan;

iii. livestock operations and anaerobic digesters, in accordance with the minimum distance separation formulae;

iv. existing and former solid waste sites;

v. major existing and proposed transportation facilities; and

vi. employment uses.

## **9.54 Airport**

The Niagara Central Dorothy Rungeling Airport is an important transportation asset that enhances the *development* potential of the lands immediately surrounding the airport and provides an important transportation mode in the Region.

### **9.54.1 Permitted Uses**

Subject to the policies of this Plan and any other applicable implementing by-laws or guidelines, the following uses are generally supported on lands designated as Airport:

- a) Public and private airport facilities and accessory uses;
- b) Maintenance, storage and warehouse uses;
- c) Bulk fuel storage and sales;
- d) Aviation-related training and educational facilities;
- e) Private aviation clubs; and
- f) Aviation-related commercial and industrial uses.

### **9.54.2 Policies**

9.54.2.1 The *development* of uses in the Airport designation will be subject to Site Plan Control.

9.54.2.2 Any *redevelopment* of existing industrial uses involving 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 or its delegate 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.
- 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.

9.54.2.3 All lands located in the Airport designation shall be required to be placed in zone categories that reflect existing uses in the implementing by-law.

9.54.2.4 Permitted uses in the Airport designation shall be serviced by private water and sewage systems.

9.54.2.5 The extension of public sewer and water systems to lands located in the Airport designation is not permitted.

## **9.65 Mineral Aggregate ~~Extraction Resources~~**

~~Mineral aggregate resources such as sand, gravel, stone and shale form an important component of the Town's economy. These resources are finite and must be protected from incompatible land uses or uses that would limit their extraction in the future.~~

The Province provides direction to municipalities that as much of the mineral aggregate resource as is realistically possible shall be made available as close to market as possible. The extraction, processing and transportation of *mineral aggregate resources* must take place in a manner that minimizes social, economic and environmental impacts. This includes defining haul routes and managing truck traffic, conserving and recycling *mineral aggregate resources* and rehabilitating pits and quarries.

The key objectives of the Mineral Aggregate Extraction ~~designation policies~~ are to ensure that *mineral aggregate resources* are protected for long-term future use, ~~and the Plan will provide policy direction to:~~

### **9.5.1 Policies for Minerals and Petroleum**

9.5.1.1 *Minerals and petroleum resources shall be protected for long-term use.*

9.5.1.2 *Mineral mining operations and petroleum resource operations shall be identified and protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.*

9.5.1.3 *Known mineral deposits, known petroleum resources and significant areas of mineral potential shall be identified, and development and activities in these resources or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:*

- a) *resource use would not be feasible; or*
- b) *the proposed land use or development serves a greater long-term public interest; and*
- c) *issues of public health, public safety and environmental impact are addressed.*

9.5.1.4 *Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.*

9.5.1.5 *Extraction of minerals and petroleum resources is permitted in prime agricultural areas, provided that the site will be rehabilitated.*

### **9.5.2 Mineral Aggregate Resources**

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9.5.2.1 *Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.*

9.5.2.2 *As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible. 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.*

9.5.2.3 *Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.*

9.5.2.4 *Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.*

9.5.2.5 *Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations. When a license for extraction or operation ceases to exist, policy 9.5.2.6 continues to apply.*

9.5.2.6 *In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:*

- a) *resource use would not be feasible; or*
- b) *the proposed land use or development serves a greater long-term public interest; and*
- c) *issues of public health, public safety and environmental impact are addressed.*

9.5.2.7 *Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take the surrounding land use and approved land use designations into consideration.*

9.5.2.8 *Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.*

### **9.5.3 Extraction in Prime Agricultural Areas**

9.5.3.1 *In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that:*

- a) *impacts to the prime agricultural areas are addressed, in accordance with an agricultural impact assessment or equivalent guidance, based on provincial guidance; and*

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b) the site will be rehabilitated back to an *agricultural condition*.

9.5.3.2 Despite policy 9.5.3.1.b), complete rehabilitation to an *agricultural condition* is not required if:

a) the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible; and

b) agricultural rehabilitation in the remaining areas is maximized

### **9.5.4 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants**

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9.5.4.1 *Wayside pits and quarries, portable asphalt plants and portable concrete plants* used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the *Planning Act* in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

### **9.5.5 Mineral Aggregate Resources in the Greenbelt Plan Area**

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9.5.5.1 Activities related to the use of mineral aggregate resources are permitted in the Protected Countryside, subject to the policies of this Plan and all other applicable legislation, regulations and municipal planning documents, including the PPS. All such activities shall be undertaken in accordance with the applicable recommendations, standards or targets of any relevant watershed plan or water budget and provincial guidance.

9.5.5.2 Notwithstanding the policies of section 3.2 of the Greenbelt Plan, within the Natural Heritage System, *mineral aggregate operations* and *wayside pits and quarries* are subject to the following:

a) No new *mineral aggregate operation* and no new *wayside pits and quarries*, or any ancillary or accessory use thereto, shall be permitted in the following *key natural heritage features* and *key hydrologic features*:

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i. *Significant wetlands*;

ii. *Habitat of endangered species and threatened species*; and

iii. *Significant woodlands*, unless the woodland is occupied by young plantation or early successional habitat (as defined by the

Ministry of Natural Resources and Forestry). In this case, the application must demonstrate that sections 9.5.5.5 (b), (c) and 9.5.5.6 (c) have been addressed and that they will be met by the operation;

b) Any application for a new *mineral aggregate operation* shall be required to demonstrate:

i. How the *connectivity between key natural heritage features and key hydrologic features* will be maintained before, during and after the extraction of mineral aggregates;

ii. How the operator could replace *key natural heritage features and key hydrologic features* that would be lost from the site with equivalent features on another part of the site or on adjacent lands;

iii. How the Water Resource System will be protected or enhanced; and

iv. How any *key natural heritage features and key hydrologic features* and their associated *vegetation protection zones* not identified in section 9.5.5.2 (a), will be addressed in accordance with sections 9.5.5.5 (b), (c) and 9.5.5.6 (c); and

c) An application requiring a new approval under the *Aggregate Resources Act* to expand an existing *mineral aggregate operation* may be permitted in the Natural Heritage System, including in *key natural heritage features, key hydrologic features* and in any associated *vegetation protection zones*, only if the related decision is consistent with the PPS and satisfies the rehabilitation requirements of this section.

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9.5.5.3 In *prime agricultural areas*, applications for new *mineral aggregate operations* shall be supported by an *agricultural impact assessment* and, where possible, shall seek to maintain or improve the connectivity of the *Agricultural System*.

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9.5.5.4 New and existing *mineral aggregate operations* and *wayside pits and quarries* within the Protected Countryside shall ensure that:

a) The rehabilitated area will be maximized and disturbed area minimized on an ongoing basis during the life cycle of an operation;

b) Progressive and final rehabilitation efforts will contribute to the goals

of the Greenbelt Plan;

- c) Any excess disturbed area above the maximum allowable disturbed area, as determined by the Ministry of Natural Resources and Forestry, will be rehabilitated. For new operations, the total disturbed area shall not exceed an established maximum allowable disturbed area; and
- d) The applicant demonstrates that the quantity and quality of groundwater and surface water will be maintained as per Provincial Standards under the *Aggregate Resources Act*.

9.5.5.5 For the rehabilitation of new *mineral aggregate operation* sites in the Protected Countryside, the following policies apply:

- a) The disturbed area of a site shall be rehabilitated to a state of equal or greater *ecological value*, and, for the entire site, long-term *ecological integrity* shall be maintained or enhanced;
- b) If there are *key natural heritage features* or *key hydrologic features* on the site, or if such features existed on the site at the time of an application:
  - i. The health, diversity and size of these *key natural heritage features* and *key hydrologic features* shall be maintained or enhanced; and
  - ii. Any permitted extraction of mineral aggregates that occurs in a feature shall be completed, and the area shall 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 section 9.5.5.5 (b); and
- d) Outside the Natural Heritage System, and except as provided in sections 9.5.5.5 (a), (b) and (c), final rehabilitation shall 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. In *prime agricultural areas*, the site shall be rehabilitated in accordance with section 4.5.4 of the PPS.

9.5.5.6 Final rehabilitation for new *mineral aggregate operations* in the Natural

Heritage System shall meet these additional policies:

- a) Where there is no extraction below the water table, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35 per cent of the land subject to each license in the Natural Heritage System, is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a *prime agricultural area*, the remainder of the land subject to the license is to be rehabilitated back to an *agricultural condition*;
- b) Where there is extraction below the water table, no less than 35 per cent of the non-aquatic portion of the land subject to each license in the Natural Heritage System is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a *prime agricultural area*, the remainder of the land subject to the license is to be rehabilitated in accordance with section 4.5.4 of the PPS; and
- c) Rehabilitation shall be implemented so that the *connectivity* of the *key natural heritage features* and the *key hydrologic features* on the site and on adjacent lands shall be maintained or enhanced.

9.5.5.7 Operators are encouraged to consider and provide for public access to former aggregate sites upon final rehabilitation, where appropriate.

9.5.5.8 Notwithstanding any provision of this section to the contrary, within the *specialty crop areas* identified on Schedule 2 as the Niagara Peninsula Tender Fruit and Grape Area, *mineral aggregate operations* and wayside pits and quarries are subject to the following requirements:

- a) A new *mineral aggregate operation* or wayside pits and quarries 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:
  - i. Substantially the same land area shall be rehabilitated back to an *agricultural condition* which allows for the same range and productivity of specialty crops common in the area; and
  - ii. The microclimate on which the site and the surrounding area may be dependent for specialty crop production shall be maintained or restored; and

c) A new *mineral aggregate operation* or wayside pits and quarries shall only be permitted in the parts of the Niagara Peninsula Tender Fruit and Grape Area not identified in 9.5.5.8 (a) and (b) where the applicant demonstrates the following:

i. The physical characteristics of the proposed site allow for the rehabilitation of the property back to an *agricultural condition*;  
or

ii. If the physical characteristics of the proposed site will not allow for the rehabilitation of the property back to an *agricultural condition*, the applicant has considered alternative locations; and

iii. 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 shall be maximized as a first priority to allow production of specialty crops.

9.5.5.9 The Town should ensure that all land use activities related to the post-extraction rehabilitation of *mineral aggregate operations* are consistent with any relevant approved source protection plan and relevant watershed or subwatershed plan.

#### **9.65.10-6 Applications within the Niagara Escarpment Plan**

9.65.106.1 The Niagara Escarpment Commission (NEC) is an agency of the Government of Ontario. It is responsible for administering the Niagara Escarpment Plan (NEP), a Provincial land use plan which includes evaluating applications to amend the NEP and applications for *development* permits within the Area of *Development* Control. The NEP has detailed policies relating to the land use approvals required to permit new *mineral aggregate operations* within the NEP Area. The NEC should be consulted with respect to the application process to seek an Amendment to the NEP which is required for any new or expanded *mineral aggregate operation*. In the event of a conflict with NEP policy in the NEP area, the NEP shall prevail over any policy of this Plan.

#### **9.65.11-7 Comprehensive Planning Review**

9.65.11-7.1 The Town encourages applicants to complete a pre-consultation meeting under the terms of Section 11.2 of this Plan prior to the submission of an application to permit a *mineral aggregate operation*.

~~9.65.11.27.2~~ The Town will require peer reviews of some or all of the technical studies in support of an application for a *mineral aggregate operation* at the applicant's cost. ~~The applicant will be required to enter a Cost Acknowledgement Agreement with the Town as part of a Complete Application. The Cost Acknowledgment Agreement will outline the conditions associated with the applicant's responsibility to pay for costs such as peer reviews of technical studies, the services of an Aggregate Advisor, and a facilitator to support the public consultation process, as required.~~

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## **Section 10: Settlement Area Land Use**

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This section establishes the objectives, policies, and permitted uses for each land use designation identified in Schedule A2 – Fonthill *Settlement area* and Schedule A3 – Fenwick *Settlement area*. Land use designations and policies provide direction for *development* and the basis for decision-making regarding applications under the *Planning Act*.

~~Secondary Plans adopted through amendments to this Plan may require more detailed policies and land use schedules for the areas they apply to.~~

Schedule A2 – Fonthill *Settlement area* and Schedule A3 – Fenwick *Settlement area* established the pattern of land use in the Town by establishing the following Land Use Designations:

### Residential

Urban Residential

### Commercial and Mixed-Use

Mixed Use  
Downtown Commercial  
Highway Commercial

## 10.1 Settlement Areas

The *Settlement areas* in the Town include lands intended to support the majority of the Town's growth over the horizon of this Plan. Key objectives of the *Settlement area* policies are to support the achievement of complete communities, connect residents, provide equitable access to amenities, protect the natural environment, and encourage economic and cultural activities that help residents' health and prosperity.

The *Settlement area* comprises the Town's primary *settlement areas* of Fonthill and Fenwick and is intended to accommodate the majority of current and future residential and employment growth to 2051. These *Settlement areas* have a defined *Settlement area* Boundary that is split into a delineated *built-up area* boundary with a built boundary line defined by the Province, lands which are "*designated and available*" and two *settlement area* boundary expansion areas ("*designated growth areas*"). The purpose of these two areas is to manage growth and track performance targets. These two *settlement areas* only accommodate growth on existing or planned municipal water and wastewater systems. Specifically, the delineated *built-up area* is related to the Town's *intensification* target, and the *designated growth areas* are related to the density target of the Town's developable lands.

These *Settlement areas* vary in size, diversity of community and employment uses, and intensity of *development*. They are only considered entirely "urban" when a full municipal *infrastructure* servicing and allocation strategy is available to ensure a coordinated phasing approach. This will ensure that these *settlement areas* can support the achievement of competing communities for *intensification* in the delineated *built-up area*, *developments* in the *designated growth areas*, and growth of the economic base by supporting employment areas.

## 10.2 Urban Residential

The urban residential designation represents existing stable neighbourhoods where the predominant land use is residential, with housing types and densities directed by this Section's policies.

### 10.2.1 Permitted Uses

Subject to the policies of this Plan and any applicable implementation By-laws or guidelines, the following uses are generally supported on lands designated Urban Residential on Schedules A1 and A2 of this Plan:

- a) Residential uses of all types, including *low-density residential*, *medium-density residential* and *high-density residential* housing types, including *additional residential units* and home-based businesses;

- b) *Institutional, public service facilities*, neighbourhood commercial, office and community uses provided the use primarily supports the surrounding neighbourhoods; and
- c) Parks and open space uses.

## **10.2.2 Policies**

- 10.2.2.1 Various types of *medium-density residential* and *high-density residential* accommodation will be considered by the land use designations on Schedules A2 and A3 and the policies of this Plan. In providing for *medium-density residential* and *high-density residential development*, housing types will be arranged in a *compatible* form of building heights and densities according to the policies of this Section and the applicable Secondary Plan policies.
- 10.2.2.2 Secondary Plans have been prepared for areas undergoing *significant development* and *redevelopment* and where any major *development* proposal would substantially alter the land use pattern in a particular area. The secondary plans establish more specific policies that apply to specific neighbourhoods in the town.
- 10.2.2.3 In established Residential areas, the opportunities for *development* and *redevelopment* will be encouraged to support the objective of a *complete community* and diversity in built form. Building designs, heights and densities of proposals should integrate with the surrounding residential area, provide opportunities for housing choice and diversity, and consider opportunities for improved neighbourhood convenience commercial and amenities where appropriate. Site design matters for *development* and *redevelopment* should consider matters related to land use *compatibility*, including the provision of:
  - a) landscape *buffers*;
  - b) building location and orientation;
  - c) parking layout;
  - d) access;
  - e) location of amenity areas; and
  - f) grading and drainage.

- 10.2.2.4 In the *development* of new residential areas and the *redevelopment* of established areas, the Town should require the following to achieve high standards of residential amenity:
- a) the provision and maintenance of adequate off-street parking for the *development*;
  - b) the provision, improvement and/or maintenance of on-site landscaping, parks and recreational areas; and
  - c) the provision and maintenance of adequate separation distances and the placement of *buffer* features between residential uses of differing densities and other land uses.
- 10.2.2.5 *Developments* in the *Settlement* area that are not accessible to municipal services within the Town's service expansion program or cannot be readily serviced will be considered premature and of low priority.
- 10.2.2.6 Schools, parks and other neighbourhood facilities should adequately serve the increased residential population resulting from any *development* proposal(s).
- 10.2.2.7 Water, sanitary and storm services shall be adequate to accommodate increased residential densities.
- 10.2.2.8 In considering new residential *development*, the building design, density, height and orientation of buildings, shadowing and site lines, open space, landscaping, *buffering*, parking and access shall be considered concerning the relationship of the proposed *development* to the existing *development* in the vicinity to ensure *compatibility*.
- 10.2.2.9 Innovative forms of housing will be considered based on the policies of this Plan.
- 10.2.2.10 Established non-residential uses in residential areas may be recognized in the Zoning By-law, provided they are not detrimental to the residential neighbourhood.
- 10.2.2.11 Neighbourhood commercial and *institutional uses* are not intended to be standalone uses but rather provide a mix of residential and commercial uses on one property in a way that shall support opportunities for live-work units and a mixed-use streetscape. They are subject to site plan control in accordance with the applicable policies of this Plan.

- 10.2.2.12 Neighbourhood commercial and *institutional uses* may be permitted to be located within the main floor of multiple residential and apartment buildings, provided that the location and design of such uses are *compatible* with the primary residential use and will conform to this section of the Plan. Where applicable, Zoning By-law Amendments passed in support of such use may include site-specific regulations intended to limit the intensity of the use and maintain the character of the surrounding neighbourhood. It is intended that the uses permitted by 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.
- 10.2.2.13 Neighbourhood-supportive uses shall be limited to commercial uses that cater to pedestrian, bicycle, and non-vehicular travel. They are intended to support the immediate neighbourhood and should provide a mix of residential uses wherever feasible.
- 10.2.2.14 Home-based businesses shall be limited to uses that do not create a noticeable change in traffic, parking, noise, odour, or residential character of the property and area and are intended to remain accessories to the residential uses of the property.
- 10.2.2.15 The appropriate policies of Section 3 of this Plan support *additional residential units* in all single-detached, semi-detached, and townhouse dwellings.
- 10.2.2.16 All new *residential developments* over 10 units shall be subject to site plan control in accordance with this plan's applicable policies.

### **10.2.3 Lot 177 Special Policy**

- 10.2.3.1 Lot 177 is a special policy area located in the residential designation. The residential neighbourhood of Lot 177 represents the most substantial infill area within the Fonthill *Settlement area* outside of the Secondary Plan Areas.

### **10.2.4 Special Exceptions**

- 10.2.4.1 819 and 825 Canboro Road
- a) In addition to the permitted uses in the Urban Residential designation, those lands located at 819 and 825 Canboro Road may also allow the following uses:
- i) retail sale of farm produce, food and grocery items;
  - ii) café and food service;

- iii) bakery
- iv) education and agri-tourism uses
- v) produce storage and on-site processing;
- vi) growing of produce in the existing greenhouse(s); and
- vii) landscape supply and garden centre.

#### 10.2.4.2 760 Foss Road, Fenwick

- a) In addition to the permitted uses in the Urban Residential designation, those lands located at 760 Foss Road may also allow the following uses:
  - i) retail sale of farm produce, food and grocery items;
  - ii) café and food service;
  - iii) bakery
  - iv) education and agri-tourism uses
  - v) produce storage and on-site processing;
  - vi) growing of produce in existing greenhouse(s); and
  - vii) landscape supply and garden centre.

### 10.3 Mixed Use

The Mixed Use designation recognizes transition areas between adjacent stable residential neighbourhoods and the Downtown Commercial areas, which contain a mixture of residential uses, live-work units and small-scale commercial uses.

#### 10.3.1 Permitted Uses

Subject to the policies of this Plan and any applicable implementation By-laws or guidelines, the following uses are generally supported on lands designated Mixed Use on Schedules A1 and A2 of this Plan:

- a) Residential uses of all types, including *low-density residential*, *medium-density residential* and *high-density residential* housing types, including

*additional residential units, live-work units, home-based businesses and home industries; and*

- b) *Institutional, public service facilities, and commercial uses, such as offices, retail and service commercial uses;*

### **10.3.2 Policies**

- 10.3.2.1 *Development* within this designation is intended to facilitate a mix of uses, including smaller or medium-scale businesses and commercial and residential uses, that complement downtown's mixed-use, pedestrian-oriented focus.
- 10.3.2.2 *Intensification* and infill *development* will be supported in the mixed-use designation to maximize existing and planned *infrastructure* and create streetscapes that are attractive, safe and accessible for all users of the public and private spaces.
- 10.3.2.3 *Institutional* and commercial uses may be permitted to be located within the main floor of multi-unit residential *developments*, provided that the location and design of such uses are *compatible* with the primary residential use and will conform to this section of the Plan.
- 10.3.2.4 *Development* and *intensification* within this designation shall require a high urban design and built-form standard. ~~All development and intensification will have regard to the Urban Design Guidelines in Appendix 4 of this Plan.~~
- 10.3.2.5 All *development* within the mixed-use designation shall be subject to Site Plan Control in accordance with the applicable policies of this Plan, except residential *development* under 10 units.

## **10.4 Downtown Commercial**

The Downtown Commercial designation focuses on retail, office, specialized and service uses. The purpose 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 these Downtown areas. The main objectives of this designation are to encourage a sufficient level and variety of retail activity to satisfy the consumer demands of residents and foster a vibrant, connected, walkable, bikeable, retail and commercial environment.

#### **10.4.1 Permitted Uses**

Subject to the policies of this Plan and any applicable implementation By-laws or guidelines, the following uses are generally supported on lands designated Downtown Commercial on Schedules A1 and A2 of this Plan:

- a) Mixed uses consisting of a combination of commercial, *institutional* and *medium-density residential* or *high-density residential development*;
- b) Commercial uses, including retail, offices, personal services, restaurants, micro-breweries, entertainment and hotels; and
- c) Public and government uses, and *public service facilities*.

#### **10.4.2 Policies**

- 10.4.2.1 The Downtown Commercial areas of Fonthill and Fenwick are the town's commercial, social, and cultural centres. All new *developments* shall reinforce and strengthen this role in the Downtown.
- 10.4.2.2 The design of all new *development* in the Downtown Commercial areas shall recognize and enhance the existing mixed-use, pedestrian-scale, and historic character of the Downtown while allowing for growth.
- 10.4.2.3 The Town will encourage renovating and rehabilitating buildings within the Downtown Commercial areas and promoting similar architectural treatment of new buildings.
- 10.4.2.4 New commercial *development* will be encouraged to include residential units as an integral part of any *development*.
- 10.4.2.5 The Town shall encourage and support the physical and aesthetic improvement of the Downtown Commercial areas, including co-ordinating streetscape amenities, furniture, and signage.
- 10.4.2.6 The need for commercial and retail services beyond the Downtown Commercial areas is limited. Additional commercial *development* may be considered by way of an amendment to this Plan, provided it is immediately adjacent to the Downtown Commercial areas, does not contribute to the proliferation of strip *development*, and is subject to the other policies of this Plan.
- 10.4.2.7 New *development* and *redevelopment* shall be encouraged within the Downtown Commercial areas. Proposals for *development* or *redevelopment* shall be *sensitive* to the existing character and scale of the present

*development*, provide adequate off-street parking, and not generate traffic that will unduly disrupt adjacent residential neighbourhoods.

- 10.4.2.8 Providing convenient, adequate, but not excessive, off-street parking is recognized as necessary in promoting and enhancing the Downtown Commercial areas. To this end, the Town shall encourage the co-ordination of existing facilities, which shall include the utilization and linkage of back lots and lanes for parking purposes. When insufficient private parking areas are available within the Downtown Commercial areas, The Town shall investigate the *development* of a municipal parking lot in the area where appropriate and where lands are available and/or the use of cash-in-lieu for parking under the *Planning Act*.
- 10.4.2.9 To revitalize the Downtown Commercial areas, new residential *development* is encouraged and will be permitted by the Zoning By-law Amendment. New Residential *development* shall occur in apartment buildings, street or block townhouses and units above commercial buildings. Residential units shall not be located at grade directly adjacent to a public street in the Downtown Commercial designation.
- 10.4.2.10 The town may establish business improvement areas within the Downtown Commercial areas in collaboration with local businesses.

~~10.4.2.11 All new developments within the Downtown Commercial areas shall be designed with regard to the Urban Design Guidelines outlined in Appendix 4 of this Plan.~~

- 10.4.2.11 All *development* within the Downtown Commercial designation shall be subject to site plan control in accordance with the applicable policies of this Plan, except residential *development* under 10 units.

## 10.5 Highway Commercial

The Highway Commercial designation is a mixed-use node and corridor to identify existing commercial lands along Highway 20. This plan promotes business and commerce, with the intent that this area be designated for small—and larger-scale business, commercial, and residential uses that utilize existing buildings and complement the mixed-use, pedestrian-oriented focus of the Downtown Commercial designation. These areas rely more on vehicular traffic for their economic existence.

The key objectives of the Highway Commercial designation are to encourage the provision of a sufficient level and variety of retail activity within the Town to satisfy residents' consumer demands while ensuring that commercial *development* does not adversely impact adjacent land uses, particularly those of a residential nature.

### 10.5.1 Permitted Uses

Subject to the policies of this Plan and any applicable implementation By-laws or guidelines, the following uses are generally supported on lands designated Highway Commercial on Schedules A1 and A2 of this Plan:

- a) Mixed uses consisting of a combination of commercial, *institutional* and *medium-density residential* or *high-density residential development*;
- b) Commercial uses including retail, offices, supermarkets, personal services, restaurants and drive-thrus, automotive-related retail uses, service stations, sales and service uses; wholesale, home improvement hardware and nursery establishments, entertainment uses and hotels; and
- c) Public and government uses and *public service facilities*.

### 10.5.2 Policies

- 10.5.2.1 Separate Zoning By-law categories shall regulate highway commercial uses. Every effort shall be made to minimize the impact of commercial uses on adjacent land uses, mainly residential uses. To this end, the Zoning By-law shall require increased side and rear yard setbacks and/or appropriate landscape *buffering* provision between commercial uses and residential or *institutional uses*.
- 10.5.2.2 The Town shall endeavour to attract highway commercial growth to Fonthill to recapture retail outflow to adjacent market areas. Additional commercial *development* may be considered by way of an amendment to this Plan, provided it is immediately adjacent to the Highway Commercial designation subject to the appropriate policies of this Plan.
- 10.5.2.3 New highway commercial *development* will be encouraged to include residential units as an integral part of any *development*.
- 10.5.2.4 When considering an application to establish a highway commercial use or uses, the Town shall have regard for the following:
  - a) the *compatibility* of the proposed use with the surrounding area;
  - b) the physical suitability of the site for the proposed use;
  - c) the adequacy of the existing and proposed street network;
  - d) the convenience and accessibility of the site for both pedestrian and vehicular traffic; and

- e) The adequacy of utilities and municipal services.

~~10.5.2.5 The design of all proposed highway commercial developments shall have regard to the Urban Design Guidelines in Appendix 4.~~

10.5.2.65 All *development* within the highway commercial designation shall be subject to Site Plan Control in accordance with the applicable policies of this Plan, except for residential *development* under 10 units.

### 10.5.3 Special Exceptions

#### 10.5.3.1 227 Regional Road 20

- a) In addition to the permitted uses in the Highway Commercial designation, those lands located at 227 Regional Road 20 are iconic. They will increase the profile of the entrance to the Town and shall be recognized for their importance as a gateway property, anchored by taller, high-density, mixed-use commercial and residential buildings, positioned near the Regional Road 20 Road allowance. This landmark building will signify the transition from Thorold's low-intensity commercial and agricultural uses to the urban, mixed-use character of the Town's East Fonthill Secondary Plan area and downtown Fonthill.
- b) In addition to the policies of the Highway Commercial designation, the following Gateway uses shall apply:
  - i) mixed uses, including commercial and *high-density residential* apartment dwellings along the Highway 20 frontage;
  - ii) ground-floor, pedestrian-oriented retail and other commercial uses within the mixed-use buildings, supporting a walkable, vibrant streetscape;
  - iii) *Medium-density residential and low-density residential development* located between the high-density, mixed-use gateway building and the settlement boundary to the north; and
  - iv) pedestrian and cycling connections, where appropriate, along Regional Road 20 to the west, enhancing connectivity and contributing to a positive pedestrian environment along the key corridor leading to downtown Fonthill.

- c) All new residential *developments* over 10 units shall be subject to site plan control in accordance with this Plan's applicable policies.
- d) *Development* and intensification within this special policy area shall require a high level of urban design and built form. ~~All development and intensification will have regard to the Urban Design Guidelines in Appendix 4 of this Plan.~~

## Section 11: Implementation

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The Official Plan is a tool to establish a policy framework that can be implemented to meet the goals and objectives of the Town's overall vision for sustainable and managed growth and a charming, prosperous, and inclusive community. High-quality *development* shall be promoted while protecting what we value to create a thriving place to live, work, and play.

To manage growth forecasted over the long-term planning horizon and guide *development* to 2051, a Growth Management Strategy and Phasing of *Development* Plan form part of Section 3: Planning a Complete and Healthy Community of this Plan. These tools will be used to stage *development* and ensure growth occurs in an orderly manner consistent with the implementation of servicing and *infrastructure* within areas designated for *development*.

The Official Plan shall also be implemented using the powers conferred upon the Town by the *Planning Act*, *Municipal Act*, *Ontario Heritage Act*, and such other statutes as may be applicable.

### 11.1 General Development Criteria

#### 11.1.1 Policies

- 11.1.1.1 The Town may use a variety of planning and regulatory tools to implement this Plan and ensure:
- a) *development* and *site alteration* reflect the strategic direction, objectives, and policies of this Plan to provide sustainable and managed growth;
  - b) *development* and *site alteration* are consistent with the requirements of the *Planning Act*, Provincial Planning Statement, Provincial plans, and any other applicable guidelines and legislation;
  - c) *development* and *site alteration* are *compatible* with adjacent land uses and the complete communities' framework in accordance with the policies of this Plan;
  - d) the Comprehensive Zoning By-Law is updated promptly, and/or a community Planning Permit System is established.
  - e) comprehensive planning is undertaken through such processes and studies as Master Environmental Servicing Plans and *Watershed*

Planning to ensure that there is adequate *infrastructure* and public services to support *development*;

- f) an atmosphere of cooperation through early engagement with the Town, government agencies, the public, Indigenous Communities and stakeholders to identify critical issues and resolve conflicts
- g) monitor and measure the implementation of this Plan to ensure the policies remain responsive to community trends and issues; and
- h) manuals, guidelines, and terms of reference are created to identify minimum standards for *development*, clarify expectations, and streamline the process.

## 11.2 Application Requirements

Early consultation is an *essential* tool in achieving sustainable and managed growth in accordance with this Plan, as well as Municipal, Provincial, and Federal legislation, policies, plans, and guidelines, and to ensure that the requirements of other agencies are met. To avoid unnecessary costs on lands unsuitable for *development* and identify key issues, applicants must consult and discuss their project with the Town, applicable agencies, and Indigenous communities before submitting a *Planning Act* Application.

These consultations allow agencies and the Town to advise applicants on *development* constraints and concerns, provide preliminary feedback on project design, and determine what studies and approvals may be required. All relevant information and materials related to a planning application are available early in the process, which is *essential* for making informed land use decisions.

Further, requiring this information at the time of submission enables Council to make a well-informed decision within the timeframe provided by the *Planning Act*, while also ensuring that the public and other stakeholders have access to it early on.

Understanding the issues related to *development* and completing the appropriate studies early can help avoid delays and provide opportunities to resolve potential differences before Council considers the matter.

### 11.2.1 Pre-Consultation and Complete Application Requirements

~~11.2.1.1 — A Pre-Consultation application and meeting are required for any *development, redevelopment, site alteration or related Planning Act* application(s). The Pre-Consultation process must precede filing any formal *Planning Act* application(s). Plans, studies, and other information required to be completed by the applicant and form part of a complete application will be identified in writing as part of the Town's Pre-Consultation process. The~~

~~Pre-Consultation process may be scoped at the town's discretion, depending on the nature of the application.~~

~~11.2.1.1 Applicants are encouraged to submit a pre-consultation request prior to the submission of a *Planning Act* application. The pre-Consultation process is intended to assist the applicant by identifying applicable planning-related legislation, policies, and guidelines, discussing the merits of the proposal and the scope of the issues associated with a development proposal, and setting out submission requirements for a complete *Planning Act* application. It is the responsibility of the applicant to complete the necessary studies and plans to demonstrate conformity with the *Planning Act* and related regulations, policies, and guidelines, and to ensure that the proposal complies with all applicable laws, including any permits that other agencies may require.~~

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~~11.2.1.2 The Pre-Consultation process is intended to assist the applicant by identifying planning-related legislation, policies and guidelines that may be applicable, discussing the merits of the proposal and scope of the issues associated with a *development* proposal, and setting out submission requirements for a complete application for a *Planning Act* application. It is the responsibility of the applicant to complete the necessary studies and plans to demonstrate conformity with the *Planning Act* and related regulations, policies and guidelines and to ensure that the proposal complies with all applicable laws, such as permits that other agencies may require.~~

~~11.2.1.3 The Town shall deem a *development* application premature for processing under the *Planning Act* without an applicant completing the pre-consultation process. Once the pre-consultation process is complete, the town shall issue written comments in meeting minutes. Pre-consultation shall expire one calendar year after written comments have been issued by the Town unless otherwise determined by the Town.~~

11.2.1.42 Applicants must ensure their application contains all prescribed information in the *Planning Act*, associated regulations and other information or material as required by the Town to be deemed complete. Applicable regulations under the *Planning Act* include but may not be limited to O. Reg. 545/06 on Zoning By-Laws, Holding By-Laws and Interim Control By-Laws; O. Reg. 544/06 on Plans of Subdivision; O. Reg. 543/06 on Official Plans and Plan Amendments; O. Reg. 200/96 on Minor Variance Applications; and O. Reg. 197/96 on Consent Applications.

11.2.1.53 A *development* application submitted under the *Planning Act* shall not be deemed complete, and the period in which the Town is required to make a decision shall not commence until the following is submitted by the applicant in a format as determined by the Town:

- a) the prescribed *development* application fee;
- b) a *development* application form completed in full as prescribed by the Town;
- c) a cover letter outlining the existing and proposed *development*;
- d) clear legible drawings, each with an accompanying legend, illustrating existing conditions and the proposed *development*;
- e) the prescribed information ~~and~~ material and studies as required under the planning act and associated regulations, and other information or material as required by the Town;
- f) A public consultation strategy is required under the *Planning Act* and associated regulations, such as in the case of an official plan amendment, zoning by-law amendment or minister's zoning order, and a plan of subdivision. As part of the strategy, the applicant shall be required to notify all owners within 120 metres of the application and host a neighbourhood meeting before submission of an application. The public consultation strategy shall outline how public feedback has been incorporated as part of the proposal;

~~11.2.1.6 — A planning justification report addressing, at minimum, how the proposed development:~~

- ~~a) conforms with the policies of this Plan and any applicable Town standards and guidelines; the *Planning Act*, any applicable Provincial policies, plans and procedures; and the requirements of any other legislation and/or agency having jurisdiction;~~
- ~~b) meets the minimum *intensification* targets or minimum densities as established in this Plan;~~
- ~~c) may impact the financial sustainability of the Town;~~
- ~~e) whether an amendment to this Plan or implementing Zoning By Law is required, including draft amended wording.~~

11.2.1.74 The need, extent, and timing of supporting plans, studies, and information shall be determined by the Town on a site-specific basis in consideration of the size, nature and intent of the proposed *development*, the site's land use context and regarding the policies in this Plan, and Indigenous, municipal, provincial, and federal legislation, policies, guidelines and standards.

Applicants of *Planning Act* applications shall be advised in writing by the Town of the required supporting studies, plans, ~~and information contents during the Pre-Consultation process.~~

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11.2.1.8~~5~~ To be deemed a complete application, all plans, studies, and information must be completed in accordance with any applicable Town and Provincial or Federal policies, guidelines, standards and/or Terms of Reference; ~~requirements identified during Pre-Consultation~~ and/or as required by any other agency having jurisdiction.

11.2.1.9 The tables below lists plans, studies and information that may be required for a complete application. ~~Additional information not identified within this table may be required at the discretion of the Town and/or as required by other agencies having jurisdiction.~~ Table 11.1 identifies the *Core Studies* and Table 11.2 identifies the *Contingent Studies*.

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**Table 11.1: ~~Plans, Studies, and Information~~ *Core Studies* that may be required as part of a Complete Application or Planning Process**

<del>Pre-Consultation Meeting Minutes</del>	<del>Deed and/or Offer of Purchase</del>	<del>Floor Plan and/or Building Elevations</del>
<del>Demonstration of how development contributes to Growth Plan density and intensification targets</del>	<del>Draft Plan of Subdivision, Consent Plan, Site Plan, Condominium Description, Zoning By-Law Amendment Schedule and/or Official Plan proposed amendment, including schedules and text</del>	<del>Employment and/or Residential Lands Needs Assessment</del>
<del>Minimum distance separation Assessment and Calculation</del>	<del>Employment Lands Conversion Justification Report</del>	<del>Aggregate Impact Assessment</del>
<del>Affordable housing Report</del>	<del>Attainable Housing Report</del>	<del>Parks Facility Fit Plan</del>
<del>Rental Housing Market Analysis</del>	<del>Open Space, Parks and Recreation Study</del>	<del>Regional Housing Market Analysis</del>
<del>Urban Design Study</del>	<del>Neighbourhood Design Plan</del>	<del>Building Mass Model</del>
<del>Architectural Renderings</del>	<del>Public Consultation Strategy</del>	<del>Pedestrian Wind Study</del>
<del>Sun and Shadow Analysis</del>	<del>Streetscape Analysis</del>	<del>Archaeological Assessment</del>
<del>Cultural Heritage Impact Assessment</del>	<del>Cultural heritage landscape Assessment</del>	<del>Cultural Heritage Conservation Plan</del>
<del>Building Protection Plan</del>	<del>Market Impact Study</del>	<del>Economic Impact Study</del>
<del>Watershed Study</del>	<del>Agricultural Business Plan</del>	<del>Planning Justification Report</del>
<del>Nutrient Management Strategy or Plan</del>	<del>Approved Class Environmental assessment</del>	<del>Agricultural impact assessment</del>
<del>Subwatershed Study</del>	<del>Environmental Impact Study</del>	<del>Landscape Plan</del>

Tree Inventory, Preservation and Compensation Plan	Community Natural Areas and Green Space Plan	Environmental Implementation Plan
Soil Stability and Geotechnical Analysis	Flood plain analysis and delineation	Erosion hazard delineation and geotechnical analysis
Headwater Drainage Study	Hydrogeological Study	Hydrology Study
Water Budget	Bird-Friendly Building Design	Topographical Survey
Climate-change Mitigation Plan	Carbon Emissions Assessment	Water Conservation Efficiency Study
Energy Conservation Efficiency Study	District Energy Feasibility Study	Renewable Energy Feasibility Study
Grading and Drainage Plan and/or Report	Erosion and Sediment Control Plan	Storm Water Management Plan and/or Report
Compatibility Study	Infrastructure Study	Functional Servicing Report
Water and Wastewater Servicing Study	Construction Management Plan	Transportation Demand Management Plan
Traffic Impact Assessment	Parking and Loading Study	Traffic and Truck Turning Plan
Noise and/ or Vibration Study	Long-Term Maintenance-Cost Assessment	Air-Quality Study, Dust Study
Fire Route and Signage Plan	Odour Study	Site Screening Questionnaire
Phase 1 Environmental Site Assessment	Phase 2 Environmental Site Assessment	Development Viability Assessment
Landfill Impact Study	Soil Conservation Strategy	Record of Site Condition
Demonstration of Need	Dark Sky Compliant Design	Photometric Plan
Source Water Protection Analysis	Infrastructure Cost Assessment	Municipal Financial Impact Assessment
Green-infrastructure and Low-Impact Development Plan	Other plans or studies as may be specified by the Town and any agency having jurisdiction.	

<b>Type of Study</b>	<b>Objective</b>
Environmental Impact Statement	Assesses potential impacts on natural heritage and the environment, with recommendations as to how to avoid, minimize or mitigate negative impacts, ensuring compliance with applicable legislation, and consistency/conformity with applicable environmental policies and requirements.
Environmental Site Assessment	Identifies the existing or potential environmental contamination on a property, assesses the risks and outlines measures to ensure compliance with legislative/regulatory requirements.
Functional Servicing Report	Reviews servicing needs for water, wastewater, stormwater, and other municipal infrastructure, identifies required new or improved services

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	and mitigation measures, ensuring compliance with applicable legislation/regulations and standards, and consistency/conformity with applicable policies.
<u>Geotechnical Report</u>	Evaluates geological, soil, and subsurface conditions to assess site stability and suitability for development, in compliance with applicable legislation/regulations, and conforming with geotechnical standards.
<u>Hydrogeological Report</u>	Analyzes potential impacts on surface and groundwater resources, ensuring compliance with applicable legislation/regulations and hydrological standards, and consistency/conformity with applicable policies.
<u>Planning Justification Report</u>	Provides detailed planning rationale demonstrating consistency/conformity with provincial policies and plans, and conformity with applicable municipal and regional plans.
<u>Transportation Impact Study</u>	Assesses the proposed development's impact on the transportation network for all modes of travel, ensuring compliance with applicable legislation/regulations and standards, consistency/conformity with provincial plans and policies, and conformity with municipal policies.

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**Table 11.2: Contingent Studies that may be required as part of a Complete Application or Planning Process**

<u>Type of Study</u>	<u>Where required to assess the following objectives:</u>
<u>Aeronautical Report</u>	Critical for aviation safety and compliance with applicable legislation/regulations for proposed development in the vicinity of airports/aerodromes, and for consistency with applicable provincial, federal policies and guidelines (PPS policies 3.4.1 and 3.4.2)
<u>Aggregate/Minerals/Petroleum Resource Impact Assessment</u>	Protects residents from adverse effects of activities and protects significant resources from development that would preclude or hinder access to these resources, ensuring compliance with applicable legislation/regulations and consistency with applicable policies (PPS policies 4.4 and 4.5)
<u>Agricultural Impact Assessment</u>	Identifies and evaluates potential impacts of non-agricultural development on agricultural operations and the Agricultural System, and recommends ways to avoid, minimize, or mitigate adverse impacts (PPS policies 2.3.2.1.f and 4.3.5.2)
<u>Air Quality/Odour Study</u>	Assesses potential adverse effects to human health and the natural environment from any odours or airborne contaminants associated with proposed development and

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	<u>recommends measures to avoid, minimize or mitigate potential adverse effects (PPS policies 2.9.1e and 3.5.1)</u>
<u>Arborist Report</u>	<u>Inventories all trees on a site, identifies potential impacts of a proposed development and recommends measures to protect and preserve trees before, during and after construction, ensuring consistency with provincial policies and municipal policies and by-laws (PPS Policies 2.1.6.a, 2.9.1.d, 2.9.1, and 3.9.1)</u>
<u>Archaeological Assessment</u>	<u>Determines or confirms archaeological potential and the presence of resources of archaeological significance, for lands located within or adjacent to a known or potential archaeological site (PPS policies 4.6.2 and 4.6.4.a)</u>
<u>Contaminant Management Plan</u>	<u>Demonstrates the safety measures that will be included in proposals involving the manufacturing, handling and/or storage of bulk fuels or chemicals (activities prescribed under the <i>Clean Water Act, 2006</i>) in order to help prevent contamination of groundwater or surface water (PPS policies 4.2.1.e and 5.3.2)</u>
<u>Cultural Heritage Impact Assessment</u>	<u>Determines a property's cultural heritage value, identifies impacts from proposed development, and outlines mitigation or conservation plans (PPS policies 4.6.1 and 4.6.3)</u>
<u>Economic Viability Assessment</u>	<u>Assesses potential impacts of a proposed development on the long-term economic viability of employment uses adjacent to employment areas, and identifies measures to avoid, minimize, or mitigate these impacts in conformity with applicable legislation and consistent with provincial policies (PPS policies 2.8.1.3, 3.5.1 and 3.5.2)</u>
<u>Electromagnetic Field Management Plan</u>	<u>Demonstrates how development proposals within or abutting a hydro corridor will manage and minimize exposure to electromagnetic fields, conforming with applicable legislation and standards, demonstrating consistency with provincial policies and ensuring protection of public health and safety (PPS policy 3.8.1)</u>
<u>Financial Impact Analysis</u>	<u>For proposals to expand a settlement area boundary, assesses the growth-related financial impacts of a proposed settlement area boundary expansion, including potential impacts to municipal capital and operating budgets, to inform planning for capital infrastructure development or improvement to support growth (PPS policy 2.3.2)</u>

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<u>Human-made Hazard Impact Study/ Assessment</u>	Assesses potential human-made hazards (e.g. mine hazards, oil, gas and salt hazards; former mineral mining operations, mineral aggregate operations or petroleum resource operations) impacting the proposed site, assesses the potential for the proposed development to create new or amplify existing hazards, and identifies measures to avoid, minimize or mitigate these impacts, consistent with provincial policies and in conformity with municipal policies (PPS policies 5.1 and 5.3.1)
<u>Impact Assessment for Waste Disposal Sites / Former Landfill Sites</u>	Determines potential adverse effects to human health, safety, and impacts to the environment associated with a proposed landfill/waste disposal site or a former landfill site, and identifies avoidance, mitigation or remediation measures to address those potential adverse effects and impacts (PPS policies 3.5.1 and 3.7.1)
<u>Lakeshore Capacity Assessment / Water Quality Impact Assessment</u>	Assesses impacts of proposed shoreline development on water quality and includes measures to remove or mitigate potential impacts to water quality, in compliance with applicable legislation and standards, and consistent with provincial and municipal policies (PPS policies 4.2.1 and 4.2.2)
<u>Land Use Compatibility Study</u>	Assesses potential adverse effects of a proposed major facility on adjacent sensitive land uses and identifies measures to avoid, minimize or mitigate these effects, in compliance with applicable legislation and consistent with provincial and municipal policies. Can include an assessment of the potential negative impacts to the long-term operational and economic viability of major facilities associated with a proposed development in proximity to major facilities, and identify ways to avoid, minimize or mitigate these potential impacts (PPS policies 2.8.2.4, 3.3.3 and 3.5)
<u>Minimum Distance Separation Formulae Assessment</u>	Minimizes land use conflicts in agricultural areas by establishing setback distances between livestock facilities and surrounding residential land uses, minimizing conflicts and nuisances related to odour, in compliance with applicable legislation and consistent with provincial policies (PPS policies 4.3.2 and 4.3.5)
<u>Natural Hazard Impact Study / Assessment</u>	Assesses potential natural hazards impacting the proposed site, assesses the potential for the proposed development to create new or aggravate existing hazards, and identifies measures to avoid, minimize or mitigate these impacts, consistent with provincial policies and in

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	<u>conformity with municipal policies (PPS policies 5.1.1 and 5.2)</u>
<u>Noise/Vibration Study</u>	<u>Assesses potential noise and vibration impacts from a proposed development on surrounding land uses, and the potential noise and vibration impacts from an existing land use on a proposed adjacent development, identifying measures to avoid, mitigate and minimize these impacts in compliance with applicable legislation and consistent with provincial and municipal policies (PPS policies 3.4.1, 3.4.2, 3.5.1 and 3.5.2)</u>
<u>Rail Safety and Risk Mitigation Report</u>	<u>Evaluates potential safety risks associated with development proposed in proximity to rail corridors and outlines mitigation measures to support safe and compatible site design, in compliance with applicable legislation and consistent with provincial policies and applicable rail safety guideline (PPS policies 3.3.3 and 3.4.1.)</u>
<u>Servicing Options Report</u>	<u>Evaluates the proximity of municipal and communal servicing and potential for future connections to serve a proposed development where there is no municipal planning for sewage and water services in an official plan, reviews environmental and site constraints and impacts, evaluates servicing options to serve the proposed development, and provides the rationale for a recommended option, in compliance with applicable legislation and guidelines, and consistent with provincial policies (PPS policies 2.7 and 3.6).</u>
<u>Wildland Fire Assessment</u>	<u>Determines hazardous forest types and associated wildland fire risk and identifies avoidance and mitigation measures to ensure conformity with provincial policies and standards (PPS policy 5.2.9)</u>
<u>Wind Study</u>	<u>Predicts and assesses potential wind impacts generated by development proposals of at least 10 storeys in height and provides mitigation measures to maintain safe and comfortable pedestrian and public spaces (PPS policy 3.9.1)</u>

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11.2.1.10 Plans, studies, and information identified within this Plan, which may be required as part of a complete application, are not intended to preclude any additional information the Town may need or that may be identified during the planning process due to circumstances such as new issues identified through consultation, changing legislation, guidelines, and/or proposal changes by the applicant.

- 11.2.1.11 Where appropriate and at the Town’s discretion, plans and studies may be waived or scoped if:
- a) previously undertaken for an earlier *Planning Act* application;
  - b) not deemed to be out of date by the Town; and
  - c) where no useful purpose would be served by completing the plans or studies.
- 11.2.1.12 All plans and studies shall be prepared by an appropriately designated qualified professional, retained by and at the applicant's expense.
- 11.2.1.13 The Town may require a peer review at the sole cost of the applicant of any plans or studies submitted as part of a *Planning Act* application where the Town does not have the appropriate expertise to review such plans or studies and/or is not satisfied with the extent and quality of the work submitted by the applicant.
- 11.2.1.14 The Town, through its Shared Services Agreement with the Region of Niagara, will require the review and approval of any Environmental Impact Study prepared as part of a complete application at the sole cost of the applicant.
- 11.2.1.15 The town shall notify the applicant and all other parties in writing of a complete application in accordance with the *Planning Act*.

### **11.3 Consultation and Engagement**

#### **11.3.1 Policies**

- 11.3.1.1 On matters of Town interest, the Town shall involve First Nations and Indigenous communities as well as various interested participants from across the Town, which may include other Area Municipalities, residents, businesses, organized groups, the *Conservation Authority*, and other levels of government and applicable agencies.
- 11.3.1.2 Consultation will take place in a timely manner to ensure an accountable and transparent decision-making process on land use planning matters.
- 11.3.1.3 The Town shall provide opportunities for participation from the public (including different demographic and gender groups) and organized interest groups in the *development*, adoption, implementation and monitoring of

Town planning policies in accordance with this Plan, the *Planning Act*, the *Environmental Assessment Act* and other relevant legislation and policy.

### **11.3.2 Communication and Engagement Tools and Techniques**

- 11.3.2.1 The Town is committed to communication in plain language on land use planning matters.
- 11.3.2.2 The Town will employ appropriate tools and techniques to inform, consult, involve, collaborate with or empower where appropriate.
- 11.3.2.3 In all cases of engagement, the Town will provide responses to feedback received, including how feedback has been considered in the matter being addressed.
- 11.3.2.4 The Town may use various communication methods, including innovative and enhanced participatory methods, to seek input on planning matters or provide public information. Depending on the issues and in accordance with the *Planning Act*, the Town shall choose the most appropriate method of communication or form of engagement.
- 11.3.2.5 When undertaking engagement, the Town will provide a safe and comfortable environment where individuals can freely contribute their thoughts, opinions and directions.
- 11.3.2.6 When undertaking engagement, the Town will ensure that all comments are documented in a transparent and easily accessible manner.
- 11.3.2.7 Where a decision under the *Planning Act* is required, the Town shall make available all relevant materials and information, including a copy of the proposed plan, at least 20 days prior to the date of the Statutory Public Meeting. At a minimum, all documents shall be made available at the Town's office and on the Region's website.

### **11.3.3 Consult and Engage with Other Governments**

- 11.3.3.1 The Town will be proactive and, where appropriate, provide practical and meaningful input to the Province where changes are proposed to Provincial plans and legislation. The Town will collaborate with the Region and other Local Area Municipalities where required on the *development* of joint input to the Province to ensure local municipal perspectives are incorporated.
- 11.3.3.2 The Town will be proactive and, where appropriate, provide practical and meaningful input to adjacent municipalities where proposed plans may have

the potential to impact the Town, organized interest groups, businesses and/or the general public at large.

- 11.3.3.3 Where appropriate, the Town will seek out opportunities to collaborate with the Federal government, the Province, and the Region adjacent municipalities on matters of cross-jurisdictional interest.

**11.3.4 First Nations and Indigenous Communities Engagement**

- 11.3.4.1 The Town will explore opportunities for collaboration on common objectives and build relationships with First Nations and Indigenous communities to advance reconciliation.

- 11.3.4.2 The Town will consider the consultation protocols of the First Nations and other Indigenous communities that have traditional territory in this area, ~~including the Anishinaabe, specifically the Mississaugas of the Credit First Nation, and the Haudenosaunee~~ when engaging on planning matters or public works projects.

- 11.3.4.3 The Town shall engage with First Nations and Indigenous communities and consider their interests when identifying, protecting, and managing cultural heritage resources and archaeological resources, planning for sustainability and climate change, and the *natural environment system*.

- 11.3.4.4 The Town will require archaeological assessments that identify sites and archaeological resources of Indigenous interest to be provided to the community of closest cultural affiliation to the site and/or resources. The Town shall:

- a) direct the proponent to the appropriate First Nations and Indigenous communities and facilitate communication by providing contact names and numbers, and a list of those agencies that can assist with the engagement process;
- b) require proponents to engage with First Nations and Indigenous communities at the earliest opportunity and consider their interests when identifying, protecting, and managing cultural heritage resources and archaeological resources;
- c) require documentation that the licensed archaeologist has engaged with First Nations and Indigenous communities in accordance with the Region of Niagara Standards and Guidelines for Consulting Archaeologists and Policy 11.3.4.4 b) of this Plan;

- d) require documentation that the proponent has provided a copy of the archaeological assessment report to those communities with the closest cultural affiliation to identified archaeological resources and in whose traditional territories the archaeological resources were found; and
- e) notify, in advance of on-site archaeological assessment work completed as part of Town public works projects, First Nations and Indigenous communities with the closest cultural affiliation to the project area and/ or archaeological resources and in whose traditional territories the archaeological resources were located.

11.3.4.5 Proponents are encouraged to engage with all relevant First Nations and Indigenous communities ~~as determined by treaty, traditional territory with the closest~~ And/or cultural affiliation to the site and/or archaeological resources and in whose traditional territories the archaeological resources were found, to address their interests in the resource, when planning for sustainability and climate change, and relative to *natural environment system*. Proponents should confirm whether the First Nation or Indigenous community would like to repatriate the archaeological resources, and if not, define interpretive and commemorative opportunities related to the resource, where preservation of the resource is not possible in its current location.

11.3.4.6 Consultation/engagement protocols between the Town and individual First Nations and Indigenous communities will be encouraged.

### **11.3.5 Public Consultation**

11.3.5.1 All *Planning Act* applications shall adhere to the prescribed measures for public consultation strategies, public meetings, and notification procedures in accordance with the *Planning Act* and associated regulations. In some instances, public consultation required by the Town may exceed these requirements as deemed appropriate and as outlined in this Plan.

11.3.5.2 The Town shall use various communication methods to seek input on planning matters and provide information to the public. Depending on the issues, and in accordance with the *Planning Act* and associated regulations, the Town shall choose the most appropriate method of communication, which may include any or all of the following:

- a) personal service or prepaid first-class mail;
- b) E-mail;

- c) public notice signs;
- d) surveys, electronic or mail-out;
- e) neighbourhood Open Houses and/or Public Information Centres;
- f) neighbourhood Working Groups or Focus Groups;
- g) information meetings;
- h) statutory Public meetings;
- i) Town website or internet engagement platforms (e.g. EngagingPelham); and/or;
- j) any other methods deemed necessary by the Town and established by amendment to this Plan.

11.3.5.3 Public meetings will be held to inform and obtain feedback from the public on *Planning Act* applications in accordance with the *Planning Act*, the policies of this Plan, and where required by the Town. The public meeting format shall be based on the type of *Planning Act* application and may be an Information Meeting, a Statutory Public Meeting, or both.

11.3.5.4 A minimum of One (1) public “Statutory Public Meeting” will be held for all Minor Zoning By Law Amendments, Minor Variances, and consent applications not involving the creation of a new lot(s) in accordance with the *Planning Act*.

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11.3.5.5 Depending on the nature and scope of the *development* application, the Town may require the applicant to hold a neighbourhood open house as part of the ~~Pre-Consultation before submitting a~~ complete application. As prescribed by the *Planning Act* and associated regulations, all applicants must complete a Public Consultation Strategy as part of an Official Plan Amendment, Zoning By-Law Amendment, or Plan of Subdivision. The Town may also require a neighbourhood meeting and strategy as part of a Plan of Condominium.

11.3.5.6 The Town may require the applicant to hold additional meetings beyond the ~~Pre-Consultation Meeting~~, Neighbourhood Meeting, Information Meeting, and Statutory Public Meeting to provide the community with further information regarding the proposal, such as technical studies and to provide opportunities for conflict resolution.

- 11.3.5.7 In accordance with the *Planning Act*, s. 17(19.3), s. 34(14.3), s. 51(19.3.1) and s. 53(4.3), the Town may establish alternative public consultation measures to notify prescribed persons and public bodies of the proposed *development* as corporate policies adopted by By-law outside of this Plan, provided the Council approves the By-law with appropriate public input. Council may delegate its authority to administer these procedures to an appointed Committee, officer or employee identified by by-law.

## 11.4 Land Use Controls Under the Authority of the Planning Act

### 11.4.1 Secondary Plans

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- 11.4.1.1 Secondary Plans will be prepared for specific areas of the Town where more detailed planning objectives and policies to guide and direct *development* are considered necessary.
- 11.4.1.2 Secondary Plans may be prepared for established, partially developed or areas of the Town:
- a) in partially developed or underdeveloped areas, Secondary Plans may be prepared to ensure that future subdivision and site *developments* conform to an overall community *development* concept and approved planning policies and
  - b) in established neighbourhoods, Secondary Plans are intended to guide future *redevelopment* and renewal activities.
- 11.4.1.1 Secondary Plans shall be ~~incorporated into the Official Plan by adopted through an Official Plan amendment, and these amendments shall be subject to the same administrative and public involvement procedures as required for an Official Plan Amendment, but do not make up part of this Official Plan.~~
- 11.4.1.2 Secondary Plans shall be subject to and implement the provisions of the Official Plan. However, where the Secondary Plan provides more detail, the provisions of the Secondary Plan shall prevail.
- 11.4.1.3 Secondary Plans shall generally address the following:
- a) patterns of land use, land use designations and density;
  - b) an appropriate range and mix of land uses to meet projected needs and density targets (where applicable);
  - c) connectivity and integration with existing developed or planning *development* areas of the Town;

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- d) urban design;
- e) natural heritage features and systems;
- f) cultural heritage resources and *archaeological resources*;
- g) transportation, including transit, pedestrian and bicycle connections;
- h) servicing strategy;
- i) policies, including phasing policies and other strategies, to achieve the *intensification* target and density target of this Plan;
- j) water resources, including surface and groundwater and stormwater management plans;
- k) open space system and trails and parks;
- l) fiscal impact analysis;
- m) implementation of specific policies of this Plan as applicable; and
- n) any other matters deemed appropriate.

11.4.1.4 The Town will initiate and undertake secondary plans. The town will prepare detailed terms of reference, including establishing boundaries of the study area, which council will approve to guide the secondary planning process.

#### **11.4.2 Comprehensive Zoning By-law and Amendments**

- 11.4.2.1 A Comprehensive Zoning By-law may be used to implement the policies of this Plan. The Town's Comprehensive Zoning By-Law shall be updated to ensure the implementation of this Plan or other applicable plans or studies.
- 11.4.2.2 Approval of a Zoning By-Law Amendment is required where *development* or use is proposed that does not meet the permitted uses and regulations in the Zoning By-Law.
- 11.4.2.3 In accordance with the *Planning Act* and upon approval of enabling regulations, the Town may impose conditions on zoning. It may require an agreement related to the conditions, which may be registered on the property's title.

### **11.4.3 Lawfully Established Non-Conforming Uses**

- 11.4.3.1 It is the intention and expectation of the Town that legal non-conforming use(s), buildings, shall eventually cease to exist and be replaced by uses that conform with this Plan.
- 11.4.3.2 Notwithstanding any policies in this Plan to the contrary, any lands used for legally existing purposes in any designation for which this Plan makes no provision for such activity to be permitted, the lands may continue to be used for such purpose and shall be recognized as a legal non-conforming use(s). If such legal non-conforming use(s) cease to exist or are interrupted by an otherwise legal land use(s), then the legal non-conforming status shall lapse, and rights derived from such use(s) shall terminate.
- 11.4.3.3 Council, or its delegate, may pass by-laws or otherwise facilitate the extension and/or enlargement of such use(s) within the confines of the lands on which the activity is located without an amendment to this Plan provided that the applicant has demonstrated:
- a) the use would not pose public health or safety risks or negative impacts on groundwater and surface water quality and quantity and is not located within or adjacent to *hazardous lands, hazardous sites, or human-made hazards*;
  - b) the use is *compatible* with and would not result in *adverse effects* on a *sensitive land use* or the establishment or expansion of major facilities;
  - c) the use can provide parking with no negative traffic impacts and
  - d) there is a demonstrated need for the use and adequate screening and *buffering* can be accommodated.

### **11.4.4 Holding Provision By-laws**

Holding provisions may be applied in conjunction with any land use designation, applied through the implementing Zoning By-Law, to specify the use to which lands, buildings, or structures may be put at such time as the holding symbol is removed. A holding provision may be applied where the Town has determined the suitable and specific land use for an area or parcel of land but has determined that *development* of the lands for the intended use is premature until certain requirements and/or conditions are fulfilled.

- 11.4.4.1 Any lands within the Town of Pelham, whether developed or undeveloped, may be subject to holding provisions.

- 11.4.4.2 Such requirements and conditions applied through the holding provisions may include, but are not limited to:
- a) provision of adequate water, wastewater, and other services as required to support the proposed *development*;
  - b) appropriate phasing of the *development*;
  - c) completion of specific structure related to traffic, *infrastructure*, drainage, agriculture, environmental issues, the natural environment system, cultural heritage conservation, urban design, and/or archeology; and
  - d) entering into a *development* agreement with the Town of Pelham.
- 11.4.4.3 The removal of a holding provision will occur by By-Law where Council, or its delegate, is satisfied that all conditions or requirements have been satisfied and that *development* will occur in accordance with the objectives of the Plan and any applicable legislative changes.
- 11.4.4.4 Notwithstanding the generality of 11.4.4.3, in an area intended to be developed by means of plans of subdivision, the holding symbol may be removed only after the owner has entered into a subdivision agreement with the Town of Pelham.
- 11.4.4.5 When lot creation occurs through the consent procedures of this Plan, the holding provision may be removed when the applicant has satisfied all the conditions of the approval, including any requirements to enter into *development* agreements.
- 11.4.4.6 Until such time as the holding symbol is removed, the by-law may permit or limit interim uses. The interim uses may include existing uses and minor expansions of the uses where they will not jeopardize the ultimate intended use and *development* of the lands.
- 11.4.4.7 Additional regulations apply to the lands during the period in which the holding provision is in place may also be set out in the implementing By-Law.

#### **11.4.5 Interim Control**

- 11.4.5.1 The Town may pass Interim Control By-Laws in accordance with the Planning Act to place immediate restrictions on the use of certain lands or on certain land uses where the Town has directed that a study or studies related to

land use planning be undertaken. An Interim Control By-Law may be passed for a period of up to one year and extended provided the by-law does not go beyond two years of its original date of passage.

#### ~~11.4.6~~ **Inclusionary Zoning**

~~11.4.6.1~~ ~~Inclusionary Zoning is a planning tool that the Town may implement through an established Community Planning Permit System to require affordable housing units within buildings or projects containing other residential units and ensuring those affordable housing units shall be maintained for a specified period.~~

~~11.4.6.2~~ ~~Implementation of Inclusionary Zoning shall be used as a mechanism to assist in meeting affordable housing goals set out within the Region of Niagara Affordable Housing Action Strategy, updated every five years by the Region of Niagara.~~

#### **11.4.76 Minor Variances**

11.4.76.1 When considering an application for a minor variance to the use and/or regulations of the Town's Zoning By-law, the Committee of Adjustment shall give consideration to the provisions of the *Planning Act*. In addition, the Committee will consider the following matters in its decision deliberations:

- a) that the requested variance is minor in nature;
- b) that the intent and purpose of the Zoning By-law is maintained;
- c) that the general intent and purpose of the Official Plan is maintained;  
and
- d) that the variance is desirable for the appropriate *development* and use of the land, building or structure.

11.4.76.2 The Committee of Adjustment may attach such conditions, as it deems appropriate and desirable to the approval of the application for minor variance.

11.4.76.3 The Town may pass a By-law that establishes additional criteria that the Committee of Adjustment shall consider when making a decision on a minor variance application.

11.4.76.4 In determining whether a variance is minor, the Committee of Adjustment will have more regard for the degree of impact resulting from the relief and

less regard for the magnitude of numeric or absolute relief sought by the applicant.

- 11.4.76.5 The applicant who requests a minor variance should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning regulation is not warranted in a particular circumstance, causes undue hardship or is otherwise impossible to comply with.

**11.4.87 Site Plan Control**

- 11.4.87.1 Site Plan Control will be used per the *Planning Act* to achieve well-designed, functional, accessible and sustainable built form and public spaces.

11.4.87.2 The site plan approval process will:

- a) ensure the adequate provision and maintenance of site-specific facilities required by *development*;
- b) require necessary easements or otherwise control the location of necessary services and utilities;
- c) ensure that the proposed *development* is functional for the intended use;
- d) ensure *compatibility* of design between sites;
- e) minimize any *adverse effects* of the *development* on adjacent properties;
- f) secure necessary road widening and lands for intersection improvements from abutting properties in accordance with the policies of this Plan;
- g) ensure that the site is accessible to persons with disabilities and provides facilities to support transit and cycling;
- h) ensure that *development* is completed and maintained as approved by Council;
- i) ensure that *development* is *compatible* with on-site or adjacent property natural heritage features and cultural heritage resources; and
- j) ensure that *development* contributes to the achievement of the objectives of the Town's Corporate *Climate Change* Adaptation Plan.

11.4.87.3 Council may identify specific types of *development* that are subject to site plan control and those that are exempt in a By-law.

11.4.87.4 The Town may require the following to be shown on plans or drawings, to the satisfaction of the Town and in accordance with the provisions of the *Planning Act*:

- a) plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided;
- b) plan, elevation and cross-section views of buildings and structures;
- c) the massing and conceptual design of the proposed building(s);
- d) the relationship of the proposed building to adjacent buildings, street and exterior areas to which members of the public have access;
- e) the provision of interior walkways, stair, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways to adjacent buildings;
- f) the sustainable design elements on any adjoining municipal right-of-way including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities;
- g) facilities designed to have regard for accessibility for person with disabilities;
- h) landscaping and *buffering*;
- i) grading, drainage and provisions for the disposal of storm, surface and wastewater;
- j) vehicle access and off-street circulation, loading and parking;
- k) signage and lighting;
- l) pedestrian access, walkways and walkway ramps and bicycle facilities;
- m) facilities for the storage of waste materials or other requirements of collection; and

- 11.4.87.5 The Town will use ~~this plan's urban design guidelines~~, the Town's Engineering Design standards, and application provisions in reviewing and approving Site Plans.
- ~~11.4.8.6 The Town may establish sustainable, aesthetic, and functional design guidelines to assist in preparing site plans and building designs.~~
- 11.4.87.76 The Town may, as a condition of approval pursuant to the *Planning Act*, require the owner of lands subject to site plan control to enter into one or more agreements which may be registered against the title of the subject lands.
- 11.4.8-87.7 Site plan approval will be required for all proposed indoor cannabis and industrial hemp cultivation facilities that may be permitted in accordance with the Policies of Section 9.1.6 to the maximum extent afforded under the *Planning Act*, in order to proactively mitigate *adverse effects* where possible and to maximize *compatibility* with land uses in the area.
- 11.4.8-97.8 Site plan control may be utilized to formalize and/or implement the recommendations of an Environmental Impact Study, prepared in support of *site alteration* or *development* within or adjacent to natural heritage features identified in this Plan.
- 11.4.8-107.9 All lands within the Town of Pelham are designated as site plan control areas except:
- a) any one or two unit dwelling, not including the following:
    - i) farm help house;
    - ii) any one or two unit dwelling being developed within a block type *development* such as a plan of condominium or a leasehold type *development*; and
    - iii) *development* identified in this Plan as specifically requiring Site Plan Approval.
  - b) any alteration or addition to a one-unit or two-unit dwelling, including an *Additional residential unit(s)*;
  - c) *developments* of up to 10 residential units;
  - d) any building or structure accessory to the uses stated in (a) and (b) above;

- e) swimming pools;
- f) any agricultural building with the exception of *agri-tourism uses*, farm diversification uses and greenhouses; ~~and~~
- g) buildings or structures used for flood control or conservation purposes;
- ~~h) public-school portables;~~

**11.4.98 Temporary Use Provision and Minor By-laws**

11.4.98.1 The Town may pass a by-law in accordance with the *Planning Act* to authorize the temporary use of land, buildings, or structures for:

- a) purposes that are otherwise prohibited by this Plan or the implementing Zoning By-Law;
- b) council, or its delegate, to assess a use which is unfamiliar to determine whether the use should be considered as a conforming use by site-specific amendment to this Plan or implementing Zoning By-Law upon the expiry of the temporary authorization or whether the use should be extended or discontinued;
- c) pilot projects and tracking of uses that may be of interest to the Town but require further studies and information prior to permanent permissions being enacted;
- d) the temporary use of vacant land for a purpose which is not otherwise permitted by this Plan, pending the future *development* of the land;
- e) the temporary establishment and use of a garden suite on a property.

11.4.98.2 Temporary use by-laws may be passed provided the applicant has demonstrated that the following requirements shall be met:

- a) the proposed use shall be temporary and shall not entail major construction or investment, such that the owner shall not experience undue hardship in reverting to the permitted uses upon the termination of temporary use by-law;
- b) the proposed use is *compatible* with the surrounding land uses;
- c) the proposed use can be adequately serviced;

- d) the proposed use shall not have *adverse effects*, shall not cause a public health and safety risk, is not within or adjacent to a human-made or natural hazard, and is in accordance with the Town's Natural Environment System policies; and
- e) the proposed use shall not adversely affect traffic or on-site parking.

11.4.98.3 An applicant may be required to enter into an agreement with the Town and post securities, if necessary, to ensure that structures associated with a temporary use provision are removed upon expiry of the By-Law.

#### **11.4.109 Demolition Control**

11.4.910.1 To prevent the premature demolition of residential buildings within designated areas of the Town, Council may prepare, enact and enforce a Demolition Control By-law in accordance with the provisions of the *Planning Act*.

11.4.109.2 Applications to demolish protected, designated or listed heritage buildings and structures shall be considered in accordance with the provisions of the *Ontario Heritage Act* and the policies of this Plan.

### **11.5 Subdivision of Land under the Authority of the Planning Act**

#### **11.5.1 Plans of Subdivision, Plans of Condominium and Part Lot Control**

11.5.1.1 All lands within the Town shall be subject to subdivision control pursuant to the *Planning Act*.

11.5.1.2 All Plans of Subdivision or Plans of Condominium shall be developed in accordance with the policies of this Plan, providing a diverse mix of land uses and a range and mix of *housing options*, including types, tenure, and *affordable* housing where feasible, to ensure the *development* of complete communities.

11.5.1.3 The division of land shall proceed by way of Plan of Subdivision when one or more of the following are applicable as determined by the Town:

- a) the *development* requires the construction of a new public road or the extension of an existing road, other municipal *infrastructure* or public services;

- b) a cumulative total of four or more lots are being created and/or the owner is retaining sufficient lands resulting in the potential to create a cumulative total of four or more lots on the subject lands;
- c) centralized services are necessary, as opposed to on-site services for individual lots;
- d) grading, drainage, access, *Natural heritage features and areas*, natural hazards, land use *compatibility* and other planning matters must be planned in a coordinated manner;
- e) a number of studies and justification reports are required to determine the suitability of the *development*;
- f) long-term monitoring, the posting of securities and an agreement are required to implement conditions for the *development*; and/or
- g) the Town deems it in the public interest for the proper *development* of the subject lands and/or to ensure proper integration with adjoining lands.

11.5.1.4 If adequate *infrastructure* and public services are not available as required by this Plan, a *development* application for Draft Plan of Subdivision or Plan of Condominium shall not be supported by the Town and shall be considered premature.

11.5.1.5 The Schedules and policies of this Plan shall be referenced to determine if and under what circumstances lot creation is permitted. The creation of a new lot(s) constitutes *development* and is restricted by many policies, designations, and constraints to *development* such as to provide for the permanent protection of the Town's *Agricultural system*, Natural environment system, and life and property from natural hazards, and the conservation of cultural heritage resources.

11.5.1.6 As part of a complete application, an applicant shall submit the prescribed information required by the pre-consultation process and the policies of this Plan.

11.5.1.7 An application for a phased Plan of Subdivision or Plan of Condominium must demonstrate phasing to the satisfaction of the Town, with all necessary easements and agreements for independent operation.

11.5.1.8 The applicant shall confirm feasibility of servicing for *development* or *redevelopment* to the satisfaction of the Town to ensure the proposal shall not adversely affect Town finances with regard to municipal water and

sanitary sewer, or by communal or private well and wastewater disposal system where municipal services are not planned or existing; fire protection services; construction and maintenance of roads; integration with existing *transportation systems*; waste disposal; and community facilities and services.

- 11.5.1.9 All lots within a Plan of Subdivision shall have frontage along a public road with safe and direct access to and from a public road that is maintained on a year-round basis, to a standard satisfactory to the Town and any agency having jurisdiction. Each lot shall have a direct access to either a maintained public right-of-way or to a private road that is part of a Plan of Condominium. No shared easements shall be permitted as a means to create such access to a public road except in the immediate vicinity of the publicly owned right-of-way. For greater clarity, where safe sight lines do not exist or direct access to a public road would not be supported by the policies of this Plan or any agency having jurisdiction, an easement shall not be supported which traverses multiple lots; in such cases a private road through a Plan of Condominium or a public road through a Plan of Subdivision shall be required. A Plan of Condominium shall have access to a public road maintained on a year-round basis.
- 11.5.1.10 Draft approval of Plans of Subdivision or approval of a Plan of Condominium shall include conditions that must be satisfied prior to final approval of the plan. Such conditions may be required to be satisfied within an initial specified period of three years, or draft approval may be withdrawn by the Town. Conditions of approval may be changed prior to final approval.
- 11.5.1.11 Where no action is taken by the applicant to fulfill or implement Draft Plan Conditions associated with any phase of a Draft Plan approval within three years of approval, the Town shall:
- a) withdraw its approval; or
  - b) renew the approval, subject to the applicant submitting a request for draft plan approval extension and demonstrating the proposal is consistent with this Plan and any applicable changes to federal and provincial legislation, and that the *development* meets community needs with respect to residential and/or employment land needs within a specified time by the Town, pending system capacity.
- 11.5.1.12 Prior to final approval of the Plan of Subdivision or Plan of Condominium, the owner shall be required to enter into an agreement with the Town and file the necessary financial securities to the satisfaction of the Town to ensure that conditions of approval shall be fulfilled.

11.5.1.13 In accordance with the *Planning Act*, the Town may enact a By-Law to exempt properties from Part Lot Control, to permit the creation of lots within a registered Plan of Subdivision and to establish easements.

## **11.5.2 Consents**

11.5.2.1 The cumulative creation of up to three lots, including retained lands, may be permitted by severance (consent) if deemed appropriate by the Town and the proposal does not meet the criteria of this Plan for a Plan of Subdivision or Plan of Condominium. The cumulative creation of four or more lots, including any retained lands having the potential to create a cumulative total of four or more lots, shall be deemed to be a Plan of Subdivision or Plan of Condominium in accordance with this Plan.

11.5.2.2 The Schedules and policies of this Plan shall be referenced to determine if and under what circumstances lot creation is permitted. The creation of a new lot(s) constitutes *development* and is restricted by many policies, designations, and constraints to *development* such as to provide for the permanent protection of the Town's *Agricultural system*, Natural heritage system, and life and property from natural hazards.

11.5.2.3 Notwithstanding any other policies in this Plan, a new lot(s) shall not be deemed to have been created where consent to sever is proposed for:

- a) consolidation of two or more lots into one lot;
- b) minor adjustments to lots to rectify problems created by encroachments of buildings, structures, access, private wells, or individual wastewater treatment systems on abutting lots, provided that such adjustments do not result in the creation of any lot(s) capable of being held, in distinct and separate ownership pursuant to the *Planning Act*. In no case shall the lot line adjustment be greater than 0.5 hectares;
- d) acquisition of land for *infrastructure*, where the need for the project has been demonstrated through an *Environmental assessment* or other appropriate study approved by the Town, and the facility or corridor cannot be accommodated with easements or rights-of-ways;
- e) legal or technical reasons such as easements, rights-of-way, correction of deeds, and quit claims that do not result in the creation of a separate lot(s). However, consents where such easements or rights-of-way are intended to facilitate the construction of new buildings or structures on a vacant lot of record that is otherwise undevelopable due to a lack of frontage on a public road, shall be considered a

*development* application to create a new lot(s) and shall be subject to the policies of this Plan; and

- f) severing two or more lots that have unintentionally merged in title, provided the severances reflect the original lot lines.

11.5.2.4 As part of a complete application for a Severance to create a new lot(s) or a Lot Line Adjustment, an applicant shall submit the prescribed information, a Planning Justification Report and any other materials and information as identified by the Town and any agency having jurisdiction, to demonstrate the following:

- a) the proposed *development* conforms with the policies of this Plan and any applicable Town by-laws, standards and guidelines; the Planning Act, any applicable Provincial policies, plans and guidelines; and the requirements of any other agency having jurisdiction;
- b) the lands can be adequately serviced on municipal services. Where private servicing is permitted by this Plan, any proposed private potable water and onsite sewage disposal systems must be supported by a Hydrogeological Study. The study shall be prepared by a qualified engineer and must demonstrate and provide detailed explanation as to how the proposed *development* shall not negatively impact groundwater and surface water quality and quantity, and that each lot is capable of supporting private services;
- c) the creation of a new lot(s) or a Lot Line Adjustment does not result in a landlocked parcel where there is not sufficient area for *development* and associated uses such as a dwelling, accessory structures, access and servicing, due to restrictions such as being located in the Town's *Natural heritage system* or the presence of *hazardous lands*, as determined by the Town in consultation with any agency having jurisdiction;
- d) the retained lot and each severed lot have frontage along a public road with safe and direct access to and from a public road that is maintained on a year round basis, to a standard satisfactory to the Town and any agency having jurisdiction.
- e) The retained lot and each severed lot shall each have direct access to either a maintained public right-of-way or to a private road that is part of a Plan of Condominium.
- f) no shared easements shall be permitted as a means to create such access to a public road except in the immediate vicinity of the publicly

owned right-of-way. For greater clarity, where safe sight lines do not exist or direct access to a public road would not be supported by the policies of this Plan or any agency having jurisdiction, an easement shall not be supported which traverses multiple lots; in such cases a private road through a Plan of Condominium or a public road through a Plan of Subdivision shall be required;

- g) the lot configuration(s) proposed for the retained and severed lot(s) shall not restrict the future *development or redevelopment* potential of the lands or nearby parcels of land, particularly as it relates to *intensification* targets, the provision of access, servicing, and stormwater management, and where such lands are designated for *development* by this Plan.

11.5.2.5 In accordance with the *Planning Act*, conditions of approval may be applied to provisional approval of a Severance and shall be fulfilled within the mandated time frame as set out in the *Planning Act*. The Town may require as a condition of approval, that the applicant enter into a *development* agreement including the posting of securities with the Town regarding such matters as deemed appropriate which may include, but not be limited to:

- a) financial requirements;
- b) the provision of *infrastructure*;
- c) a Site Plan for *development*;
- d) access, grading, drainage, servicing and stormwater management;
- e) architectural design; conservation of cultural heritage resources, and *archaeological resources*;
- f) completion and implementation of an environmental implementation plan or tree inventory, protection and compensation plan;
- g) sustainable building and site design features;
- h) measures to protect health and safety; and
- i) any other measures as deemed appropriate to enhance *compatibility* with the surrounding community character.

## **11.6 Community Planning Permit System**

A Community Planning Permit System is a planning tool that the Town may establish to allow for the replacement and combining of Zoning Amendments, Minor Variances, and Site Plan Control processes, the regulation of vegetation removal and *site alteration*, as well as other types of *development*. This system offers opportunities to streamline the planning approvals process and clearly establish rules and criteria for *development* and *site alteration* within the by-law.

### **11.6.1 Policies**

- 11.6.1.1 All lands within the Town of Pelham shall be a proposed *development* permit area.
- 11.6.1.2 Council may enact a by-law to establish a Community Planning Permit System for all or part of the lands within the Town of Pelham.
- 11.6.1.3 Delegation of authority for any scope of decision-making related to the Community Planning Permit System may be made to a Committee of Council, an Advisory Committee, Officer, or Employee and shall be delegated through an applicable Town of Pelham By-Law to delegate specific administrative and legislative matters to staff under the authority of legislation that includes, but is not limited to, the *Planning Act* and the *Municipal Act*.
- 11.6.1.4 Within the *development* permit area, the general goals, objectives, and policies for establishing a Community Planning Permit System include:
  - a) identifying specific discretionary uses that would be permitted based on them being complementary to existing *development*;
  - b) relaxing some land use regulations and enabling flexibility in design with a focus on regulating those matters that will uphold the shared vision for the area as detailed in the area specific Community Planning Permit By-Law;
  - c) allowing minor variations to *development* and design standards by specifying the type and extent of variation that would be appropriate and that would uphold the policies, objectives and intent of the area-specific Community Planning Permit By-Law regulations;
  - d) simplifying and streamlining the *development* approval process, thereby reducing the time involved in obtaining permission to develop a permitted discretionary use;
  - e) promoting the use of sustainable transportation and active transportation;

- f) allowing for mixed use *development*, and for residential densities that will support commercial activities and a wider range of uses where appropriate;
- g) protecting and enhancing *natural heritage features and areas*, key hydrologic features, *vegetation protection zones* and supporting components of the Town's *natural environment system*;
- h) protecting *archaeological resources* and *cultural heritage landscapes* and resources;
- i) maintaining the character of the affected area(s); and
- j) minimizing the impact of a proposed *development* on lands adjacent to and outside the area specific Community Planning Permit By-Law boundary.

11.6.1.5 In addition to the goals, objectives, and policies listed above, where a by-law is passed to establish a specific area within the Town of Pelham as a *development* permit area, such a by-law may include additional details on goals, objectives, and policies that may apply in one defined *development* permit area and not another.

11.6.1.6 The general types of criteria that may be included in the *development* permit by-law to determine whether any class of *development* or any use of land may be permitted by *development* permit shall include:

- a) official Plan policies for the specific geographic area;
- b) the goals, objectives, criteria and regulations noted in the area-specific Community Planning Permit By-Law;
- c) the class of *development*;
- d) the appropriateness of the location and parcel for the proposed *development* or use;
- e) the impact of the proposed *development* or use with respect to adjacent *development* and uses in the Community Planning Permit affected area and on lands adjacent to the boundary;
- f) the servicing requirements and the extent to which the use may impact negatively on the quality and quantity of surface and groundwater;

- g) in the *agricultural system*, demonstration that every effort has been made to locate the use in an area of poorer soils where appropriate;
- h) access and transportation requirements for sustainable modes; and
- i) parking and pedestrian circulation on the site.

11.6.1.7 In addition to the types of criteria listed above, where a by-law is passed to establish a specific area within the Town as a *development* permit area, such a by-law may include additional details on types of criteria to determine whether any class of *development* or any land use be permitted that may apply in one defined *development* permit area and not another.

11.6.1.8 Within an area for which a Community Planning Permit By-Law has been enacted, the Zoning By-Law and Site Plan Control By-Law shall not apply.

11.6.1.9 ~~The placement of a portable classroom on a school site existing on January 1, 2007, shall be exempt from community planning permit regulations. Public schools and their associated ancillary uses are exempt from community planning permit regulations.~~

11.6.1.10 If a Community Planning Permit By-Law is enacted, the use and *development* of land shall comply with the permitted uses, standards, and criteria set out in the by-law, as demonstrated by the issuance of a community planning permit, unless the proposed use or *development* is expressly exempted from a permit as indicated in the Community Planning Permit By-Law.

11.6.1.11 Where an existing Site Plan Control Agreement is registered on a property, the agreement may be amended as part of the community planning permit process if the amendments proposed comply with applicable provisions of the Community Planning Permit By-Law.

11.6.1.12 A Community Planning Permit By-Law in the Town of Pelham shall, at a minimum:

- a) contain a description of the area to which the by-law applies;
- b) set out and define permitted and discretionary uses;
- c) set out *development* standards with specified minimum and maximum standards;

- d) set out any internal review for permit decisions;
- e) describe notification procedures for decisions;
- f) set out criteria for determining whether a proposed use or *development* is permitted;
- g) describe the process for amending *development* permits, *development* permit agreements, and pre-existing Site Plan Control Agreements;
- h) outline any conditions of approval that may be imposed; and
- i) set out the scope of delegated authority, including any limitations.

## **11.7 Community Improvement**

The Community Improvement provisions of the *Planning Act* allow municipalities to prepare and adopt community improvement plans for designated Community Improvement Project Areas. Once the Town has adopted a Community Improvement Plan and has come into effect, the Town may undertake a wide range of actions for the purpose of carrying out the Community Improvement Plan, including but not limited to, the acquisition of and *development* of land and/or buildings and the provision of grants and loans to owners and tenants of land and their assignees.

### **11.7.1 Policies**

- 11.7.1.1 Under the authority of Part IV of the *Planning Act*, the Town may establish a Community Improvement Project Area designated and established by By-Law to any area, in whole or in part.
- 11.7.1.2 The Town may acquire, hold, or prepare land for community improvement, or to facilitate private investment.
- 11.7.1.3 Community Improvement Plans may contain incentive based programs which may include grants, loans, property tax assistance or other methods deemed appropriate by the Town.
- 11.7.1.4 Through Community Improvement Plans the Town may support the planning or replanning, design or redesign, re-subdivision, clearance, *development* or *redevelopment*, construction, reconstruction and rehabilitation, *built heritage conservation*, improvement of energy efficiency or mitigation of greenhouse gas emissions, and provision of *affordable* housing within a Community Improvement Project Area.

- 11.7.1.5 Within a Community Improvement Project Area, the provision of such residential, commercial, industrial, public, recreational, *institutional*, religious, charitable, or other uses, buildings, structures, works, improvements, or facilities, and/or spaces, as may be appropriate or necessary to achieve the improvement envisioned by the Town shall be encouraged.
- 11.7.1.6 The improvement sought may be because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic *development* reason.
- 11.7.1.7 The Town may prepare a Community Improvement Plan for known brownfield and greyfield properties, in accordance with applicable Provincial policies and policies of this Plan and may explore additional opportunities to use a variety of incentives to promote the remediation and *redevelopment* of these sites.

## **11.8 Property Acquisition and Disposal of Surplus Lands**

### **11.8.1 Property Acquisition**

- 11.8.1.1 The Town may acquire land to implement any element of this Plan in accordance with the provisions of the *Municipal Act*, the *Planning Act*, *Ontario Heritage Act* or any other Act.
- 11.8.1.2 In acquiring land, the Town shall consider all options for the acquisition of land, including but not limited to:
  - a) dedication;
  - b) donations;
  - c) assistance from other levels of government, agencies, conservation organizations, charitable foundations;
  - d) density transfers;
  - e) land exchanges;
  - f) long-term leases;
  - g) easement agreements;
  - h) purchase agreements;

- i) the bonusing provisions of the *Planning Act*, subject to the other relevant policies of this Plan;
- j) partnerships;
- k) land trusts;
- l) placing conditions on *development* approvals; and
- m) expropriation.

**11.8.2 Parkland Dedication**

- 11.8.2.1 Parkland Dedication shall occur and be provided by applicants in accordance with the provisions of the *Planning Act*, this Plan, and the Town’s Parkland Dedication By-Law.
- 11.8.2.2 The Town shall secure the maximum benefit of the *Planning Act* from *development* with respect to Parkland Dedication and Community Benefits related to parkland.
- 11.8.2.3 The Town’s Parkland Dedication By-Law may establish uses in which Parkland Dedication shall be reduced or waived by the Town.
- 11.8.2.4 Lands to be dedicated as parkland by the applicant shall be selected in consultation with the Town to ensure site specifications and suitability in size, location, configuration, and access are to the satisfaction of the Town.
- 11.8.2.5 Cash-in-lieu of Parkland Dedication may be required to be provided by the applicant in the following circumstances, as determined by the Town:
  - a) there is no suitable area of land for parkland based on factors such as public access, size, location, and Town requirements for parkland;
  - b) the required Parkland Dedication would result in remnant land that is unsuitable or impractical for *development*;
  - c) the area proposed for *development* or *redevelopment* is already serviced by an adequate system of parks in which no further land is required;
  - d) the cash-in-lieu would be better suited in achieving Town targets for other parkland initiatives for larger community parks and facilities;

- e) lands used for storm water management facilities, lands containing natural hazards or part of the *Natural Environment System*, roadways, walkways or any other non parkland purposes conveyed to the Town by the applicant shall not be considered part of the Parkland Dedication required in accordance with the *Planning Act* and the Town's Parkland Dedication By-Law.

11.8.2.6 The Town may require that where applicable, lands adjacent to the Natural Environment System and natural hazards be dedicated for parkland, to increase public access to natural areas and rivers. Where feasible, lands dedicated for parkland shall contribute to a linked system of Town parks, Provincial parks, conservation areas, nature preserves, trail systems and other public lands of natural or recreational value, with an emphasis on developing corridors along rivers and *woodlands* and shall be provided with at least one frontage on a public street.

11.8.2.7 In the case of *development or intensification* for residential purposes, the Town may by by-law in accordance with the *Planning Act*, require that land be conveyed to the Town for park or other public recreational purposes at the maximum alternative rate determined by the *Planning Act* or at such lesser rate as may be specified in the Town's Parkland Dedication By-Law.

11.8.2.8 Any lands conveyed to the Town shall be in a condition acceptable to the Town.

### **11.8.3 Public Open Space System**

11.8.3.1 The Town recognizes the importance of acquiring and providing a well-connected public open space system consisting of parks, greenspaces, and natural heritage areas.

11.8.3.2 Wherever possible, lands should be acquired by the Town that contribute to a comprehensive system of municipal parks and recreational areas, trails systems, conservation areas, nature preserves, and other public natural areas. Public access to open space systems contributes to the quality of life that make the Town a great place to live, work, and play.

11.8.3.3 The Town may acquire and hold lands within the Town for the purposes of implementing a public open space system in accordance with the provisions of the *Municipal Act*, *Planning Act*, or any other applicable Act.

11.8.3.4 Mechanisms to secure lands within the *natural heritage system* and/or containing *hazardous lands* may include, but may not be not limited to the following property acquisition tools:

- a) placing conditions on *development* applications;
- b) land dedication or conveyance;
- c) purchase agreements;
- d) voluntary sale of lands and public purchase by the Town;
- e) land exchanges;
- f) long-term leases;
- g) partnerships;
- h) assistance from other government agencies, charitable foundations, lands trusts and/or conservation organizations;
- i) donations, gifts, bequests from individuals and/or corporations;
- j) density transfers;
- k) expropriation; and/or
- l) other land acquisition methods as deemed appropriate with the Town.

11.8.3.5 Where there is a *development* application, the preferred method of land acquisition is for lands within the *natural heritage system* and/or hazardous lands to be dedicated to the Town, as a condition of approval. Where feasible, the Town shall require the conveyance of lands as a condition of approval of a *development* application, to provide for the permanent protection of natural areas, life, and property from natural hazards and to provide for *compatible* public access to a public open space system.

11.8.3.6 Where the Town is not able to acquire or secure lands in the natural heritage system and/or containing natural hazards, the Town may require stewardship techniques to ensure protection of lands, features, and functions including, but not limited to:

- a) Site Plan Control, *development* agreements, Plan of Subdivision Agreements, and/or conditions of approval;
- b) methods as recommended through an environmental impact study approved by the Town;
- c) stewardship agreements;

- d) information and education programs;
- e) conservation easements; and/or
- f) any other methods as deemed appropriate by the Town.

11.8.3.7 The Town may establish a Land Securement Fund to be used to contribute to the costs associated with acquisition of lands that would contribute to a public open space system.

11.8.3.8 Any lands conveyed to the Town shall be in a condition acceptable to the Town.

#### **11.8.4 Disposal of Town Surplus Lands**

11.8.4.1 In accordance Section 270 of the *Municipal Act*, as may be amended or updated, it is the policy of the Town to require that the disposal of surplus real property be undertaken in a transparent and accountable manner that maximizes social, economic, environmental, and cultural return to the Town.

11.8.4.2 The disposal of surplus real property shall be implemented in a manner that is consistent with the vision, objectives, and policies of this Plan.

### **11.9 Fiscal Management**

The Town shall strive to ensure optimal service delivery and implementation of this Plan. With limited financial resources available to all levels of government, the implementation of this Plan must be financially viable and sustainable. This Plan shall be managed to ensure that the required capital expenditure to provide the services for growth and *development* is paid in an equitable and appropriate manner by those benefiting from the services for *development* and improvement. The Town shall strive to maintain financial sustainability and integrity by managing its financial resources and by undertaking *development* in a fiscally responsible manner.

#### **11.9.1 Policies**

11.9.1.1 The Town shall diligently seek the maximum revenues possible from senior levels of government to compensate for any federal or provincial responsibilities transferred to it in relation to the provision of public *infrastructure*, community soft services, and land use planning.

- 11.9.1.2 The Town is responsible for delivering services to local residents, provide hard and soft *infrastructure* and manage finances effectively, through a Long-Term Financial Plan.
- 11.9.1.3 Where possible, the Town shall use financial mechanisms available to it under any legislative authority, including the *Municipal Act*, *Development Charges Act*, *Planning Act*, and any other applicable legislation.
- 11.9.1.4 Municipal capital expenditures implementing any aspect of this Plan shall be guided by the annual Municipal Budget for Capital works and applicable forecasting. The Town shall undertake capital works programs, in accordance with the approved capital budget, to provide the municipal services and *infrastructure* necessary for new growth.
- 11.9.1.5 Future *development* shall be monitored to ensure that a balance is maintained between demands for service and the overall fiscal capacity of the Town.
- 11.9.1.6 The Town may request a Municipal Financial Impact Assessment from the owner/applicant of any *development* application. The terms of reference of such a study shall be determined by the Town at the time of the request. The Assessment shall be prepared and may be peer reviewed at the owner/applicant's expense. *Development* applications or proposals may be refused or deferred on the basis of financial impact and burden on the Town if suitable mitigation measures are not available.

### **11.9.2 Development Charges**

- 11.9.2.1 *Development* Charges shall be collected in accordance with the provisions of the *Development Charges Act*, this Plan, and the Town's *Development Charges By-Law*.
- 11.9.2.2 The Town may exempt some or all *Development* Charges or exempt certain *development* or *redevelopment* from *Development* Charges to promote specific *development*, *redevelopment*, or revitalization objectives in accordance with this Plan.

### **11.9.3 Community Benefits Charges By-Law**

- 11.9.3.1 The Town shall prepare a background study and enact a By-law in accordance with the *Planning Act* to collect Community Benefits. The Town may enact a Community Benefits Charges By-law that applies to the Town as a whole, and/or to specific geographic areas.

11.9.3.2 The Town may exempt some or all Community Benefits Charges or exempt certain *development* or *redevelopment* from the Community Benefits Charges to promote specific *development*, *redevelopment*, or revitalization objectives in accordance with the *Planning Act* and the policies of this Plan.

11.9.3.3 Community Benefits Charges shall be applied, calculated, and collected in accordance with the *Planning Act*, this Plan, and the Town's Community Benefits Charge By-law.

## **11.10 Property Standards**

The Town's Property Standards By-law sets out minimum standards of property maintenance and occupancy for the purpose of setting a basic standard of good appearance for all properties within the community, for encouraging the preservation and maintenance of existing buildings and the removal of buildings that have declined to the point where they cannot be satisfactorily and economically rehabilitated.

### **11.10.1 Policies**

11.10.1.1 The Town of Pelham may regulate the provisions of property conditions by:

- a) prescribing standards for the maintenance and occupancy of properties within the Town of Pelham, or a portion thereof, as defined in a Property Standards By-Law;
- b) prohibiting occupancy or use of such property that does not conform with the standards as defined and established in a Property Standards By-Law; and
- c) require the repair and maintenance of such property that does not conform with the standards established in such a By-Law to level that conforms with the standards and may require the site to be cleared of all buildings, structures, debris, or refuse, and left in a graded and levelled condition to the satisfaction of the Town of Pelham.

## Section 12: Definitions

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The following definitions provide an interpretation of Official Plan content and are to be used in understanding the intent of the policies of this Plan. Terminology with specifically noted definitions have been italicized in the body of this Official Plan.

For definitions pertaining to matters typically dealt with through zoning performance standards and implementation, reference to the Town's Zoning By-law will be required to avoid duplication with the Town of Pelham Zoning By-law.

In all other instances, terms shall be defined in accordance with their common usage, and, if necessary, reference to Black's Law Dictionary or the Canadian Oxford Dictionary may be required. The terms are listed in alphabetical order.

**Access standards** means *access standards* as defined in the Provincial Planning Statement.

**Accessible housing** means housing that is entirely developed using universally accessible design.

**Active transportation** means *active transportation* as defined in the Provincial Planning Statement.

**Adaptive re-use** means a change in use of surplus farm facilities on existing farms for approved non-farm uses that are *compatible* with the surrounding agricultural activities and are of a scale appropriate to the farm operation. *Adaptive re-use* is oriented to the conservation of heritage buildings and landscapes that would otherwise disappear as a result of their no longer being required for farm purposes.

**Additional needs housing** means *additional needs housing* as defined in the Provincial Planning Statement.

**Additional residential units** means self contained residential units with kitchen and bathroom facilities and sleeping area located within a primary dwelling or within an accessory structure that is detached from the primary dwelling.

**Adjacent lands** means *adjacent lands* as defined in the Provincial Planning Statement.

**Adverse effect** means *adverse effect* as defined in the Provincial Planning Statement.

**Affordable** means *affordable* as defined in the Provincial Planning Statement.

**Agricultural condition** means *agricultural condition* as defined in the Provincial Planning Statement.

**Agricultural impact assessment** means an *agricultural impact assessment* as defined in the Provincial Planning Statement.

**Agricultural system** means an *agricultural system* as defined in the Provincial Planning Statement.

**Agricultural use** means *agricultural use* as defined in the Provincial Planning Statement.

**Agri-food network** means the *agri-food network* as defined in the Provincial Planning Statement.

**Agri-tourism use** means *agri-tourism uses* as defined in the Provincial Planning Statement.

~~**Airport** means *airport* as defined in the Provincial Planning Statement.~~

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**Agriculture-related use** means *agriculture-related uses* as defined in the Provincial Planning Statement.

**Alternative energy systems** means an alternative energy system as defined in the Provincial Planning Statement.

**Archaeological resources** means *archaeological resources* as defined in the Provincial Planning Statement.

**Areas of archaeological potential** means *areas of archaeological potential* as defined in the Provincial Planning Statement.

**Areas of mineral potential** means *areas of mineral potential* as defined in the Provincial Planning Statement.

**Areas of natural and scientific interest (ANSI)** means areas natural and scientific interest as defined in the Provincial Planning Statement.

~~**Bonafide farmer** means and individual who:~~

- ~~a) owns, is employed on, and manages a farm operation;~~
- ~~b) earns a majority of his/her income from farming (the scale of the farm operation should be capable of generating reasonable operating profit under "normal" economic conditions);~~
- ~~c) spends a majority of his/her working time on the farm and is available to work on the farm when required by the farm operation;~~

- ~~d) demonstrates a continuing commitment to the farm operation, such as through farm maintenance practices, and investment in equipment, buildings, and crops; and~~
- ~~e) for the purposes of this definition, a farmer is defined as the principal operator of the farm together with his/her spouse.~~

**Brownfield site** means *brownfield sites* as defined in the Provincial Planning Statement.

**Built heritage resource** means a *built heritage resource* as defined in the Provincial Planning Statement.

**Buffer** means an area of land located adjacent to *natural heritage features and areas, other wetlands*, and watercourses and usually bordering lands that are subject to *development or site alteration*. The purpose of a *buffer* is to protect the features and areas and their *ecological functions* by mitigating impacts of the proposed *development or site alteration*. *Buffers* shall consist of natural self-sustaining vegetation as a condition of *development* (except where certain *agricultural uses* are exempt from the requirement of a *buffer*).

**Built-up area(s)** means the limits of developed urban areas as defined by the Minister in consultation with the Town for the purpose of measuring the minimum *intensification* target in this Plan.

**Built heritage** means *built heritage resources* as defined in the Provincial Planning Statement.

**Climate change** means long-term changes in weather patterns including extreme weather events and increased climate variability.

**Compact built form** means *compact built form* as defined in the Provincial Planning Statement.

**Compatibility/Compatible** means *development or redevelopment* which may not be the same or even similar to existing *development* in the vicinity but rather *development or redevelopment* can co-exist without causing any undue adverse impact and enhances the surrounding community by providing choice and diversity in built form.

**Complete community** means complete communities as defined in the Provincial Planning Statement.

**Complete streets** means streets planned to balance the needs of all road uses including pedestrians, cyclists, transit-users and motorists.

**Comprehensive rehabilitation** means *comprehensive rehabilitation* as defined in the Provincial Planning Statement.

**Conservation Authority** means the Niagara Peninsula *Conservation Authority* or its successors.

**Conservation uses** shall include forest management, *fish* and wildlife management, soil conservation and slope stabilization.

**Conserved** means *conserved* as defined in the Provincial Planning Statement.

**Contingent Study** means a study or studies that are only required when a specific on-site or surrounding condition exists in the Town that makes the study relevant for the consideration of the planning application. For example, certain studies may only be needed if a subject property is located on or near airports, rail corridors, significant natural hazards, or major facilities, or when the property contains particular environmental, cultural, or resource-based features on site.

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**Conversion** means the alteration or change of use of any existing building or structure to some other use.

**Core area** means in regards to the *linkages* within the NES, an individual natural features and areas, or a group of features and areas in close proximity to each other (i.e., less than or equal to 30 m distance in settlement areas, less than or equal to 60 m distance outside of settlement areas) that have functional ecological connectivity (i.e., their proximity to each other supports *ecological functions*, such as *wildlife habitat*, exchange of genetic material, etc.).

**Core study** means a study or studies that could be required for any *Planning Act* or planning application (i.e. official plan amendments, zoning by-law amendments, plans of subdivision/condominium, site plan control and/or consents). These are studies that address fundamental planning and engineering matters such as environmental impacts, existing servicing capacity, transportation impacts and public health and safety. Planning authorities typically require these to assess most planning application types.

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**Cultural and regenerating woodland** means *woodlands* where the *ecological functions* of the site are substantially compromised as a result of poor prior land use activity and would be difficult to restore and/or manage as a native *woodland* and which provide limited *ecological function* and ecosystem services.

**Cultural heritage landscape** means a *cultural heritage landscape* as defined in the Provincial Planning Statement.

**Designated and available** means *designated and available* as defined in the Provincial Planning Statement.

**Designated growth areas** means *designated growth areas* as defined in the Provincial Planning Statement.

**Developable land area** means the area of a property less the area occupied by natural heritage features and any related *buffers*.

**Development** means *development* as defined in the Provincial Planning Statement.

**Deposits of mineral aggregate resources** means *deposits of mineral aggregate resources* as defined in the Provincial Planning Statement.

**Ecological function** means the *ecological function* as defined in the Provincial Planning Statement.

**Employment Area** means *employment area* as defined in the Provincial Planning Statement.

**Endangered species** means an *endangered species* as defined in the Provincial Planning Statement.

**Energy storage system** means an *energy storage system* as defined in the Provincial Planning Statement.

**Enhancement areas** means ecologically supporting areas adjacent to *natural heritage features and areas, key natural heritage features, key hydrologic features*. *Enhancement areas* can also be measures internal to features that increase the ecological resilience and function of individual features or groups of natural features and areas. Enhancements areas are identified where they:

- a) connect natural features and areas to create larger contiguous natural areas;
- b) reduce edge habitat and increase proportion of interior conditions (> 100 m from edge); and
- c) include critical function zones and important catchment areas critical to sustaining *ecological functions*.

**Environmental assessment** means a planning process to determine the potential impacts of an *infrastructure* project as determined by the *Environmental assessment Act*.

**Erosion hazard** means *erosion hazard* as defined in the Provincial Planning Statement.

**Essential** means that (1) there is a demonstrated need, and (2) it has been demonstrated that no other reasonable alternatives exist.

**Fish** means *fish* as defined in the Provincial Planning Statement.

**Fish habitat** means *fish habitat* as defined in the Provincial Planning Statement.

**Flood fringe** means *flood fringe* as defined in the Provincial Planning Statement.

**Flood plain** means *flood plain* as defined in the Provincial Planning Statement.

**Flooding hazard** means *flooding hazard* as defined in the Provincial Planning Statement.

**Floodproofing standard** means *floodproofing standard* as defined in the Provincial Planning Statement.

**Floodway** means *floodway* as defined in the Provincial Planning Statement.

**Green infrastructure** means *green infrastructure* as defined in the Provincial Planning Statement.

**Greenbelt plan natural heritage system (GBNHS)** means the *natural heritage system* mapped and issued by the Province in accordance with the Greenbelt Plan.

**Gross density** means the total number of dwelling units per hectare divided by the developable portion of a property or site. *Gross density* does not include lands within the *natural heritage system*, but does include other forms of non-residential development (such as roads, parks, *infrastructure* etc.).

**Ground water feature** means *ground water features* as defined in the Provincial Planning Statement.

**Habitat of endangered species and threatened species** means *habitat of endangered species and threatened species* as defined in the Provincial Planning Statement.

*Hazardous forest types for wildland fire means hazardous forest types for wildland fire as defined in the Provincial Planning Statement.*

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**Hazardous lands** means *hazardous lands* as defined in the Provincial Planning Statement.

**Hazardous sites** means *hazardous sites* as defined in the Provincial Planning Statement.

**Hazardous substances** means *hazardous substances* as defined in the Provincial Planning Statement.

**Hedgerow** means trees left standing or planted along the edge of a former or existing agricultural field or laneway to create a physical and/or visual barrier. *Hedgerows* also typically include trees remaining along farm fence lines.

**Heritage attributes** means *heritage attributes* as defined in the Provincial Planning Statement.

**High-density residential** means the *development* of townhouses, apartments and other forms of multi-unit residential uses.

**Highly vulnerable aquifer** means a *highly vulnerable aquifer* as defined in the Greenbelt Plan.

**Housing options** means *housing options* as defined in the Provincial Planning Statement.

**Hydrologic function** means *hydrologic functions* as defined in the Provincial Planning Statement.

**Individual on-site water services** means *individual on-site water services* as defined in the Provincial Planning Statement.

**Individual on-site water services** means individual on-site water services as defined in the Provincial Planning Statement.

**Infrastructure** means *infrastructure* as defined in the Provincial Planning Statement.

**Inland lakes** means an inland body of permanently standing water larger than a pool or a pond or a body of water filling a depression in the earth's surface, where their water levels and *hydrologic functions* are not directly influenced by either Lake Erie or Lake Ontario. *Inland lakes* do not include stormwater management ponds, ponds constructed for irrigation purposes, such as those on golf courses or used for agriculture, lakes that have been constructed and managed with the sole purpose of supporting essential infrastructure or where their *ecological function* is not a consideration for their management.

**Institutional use** means government buildings, hospitals, schools, churches and cemetery uses. For the purposes of Section 4 of this Plan means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measure or protection works or erosion.

**Intensification** means *intensification* as defined in the Provincial Planning Statement.

**Intermittent stream** means and *intermittent stream* as defined in the Greenbelt Plan.

**Key hydrologic area** means *key hydrologic area* as defined in the Greenbelt Plan.

**Key hydrologic feature** means *key hydrologic feature* as defined in the Greenbelt Plan.

**Key natural heritage feature** means *key natural heritage feature* as defined in the Greenbelt Plan.

**Legal or technical reasons** means *legal or technical reasons as defined in the Provincial Planning Statement.*

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**Linkage** means an area, that may or may not be associated with the presence of existing natural features and areas, that provides and maintains ecological connectivity between *core areas* consisting of natural features and areas and supports a range of community and ecosystem processes enabling plants and animals to move among natural heritage features, in some cases over multiple generations, thereby supporting the long-term sustainability of the overall NES.

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**Low and moderate income households** means *low and moderate income households* as defined in the Provincial Planning Statement.

**Low-density residential** means the *development* of single detached dwellings, semi-detached dwellings, duplexes, and townhouse uses.

**Low impact development** means *low impact development* as defined in the Provincial Planning Statement.

**Major facilities** means *major facilities as defined in the Provincial Planning Statement.*

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**Major trip generators** means *major trip generators as defined in the Provincial Planning Statement.*

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**Medium-density residential** means the *development* of townhouses, low-rise apartments and other forms of multi-unit residential uses.

**Minerals** means *minerals as defined in the Provincial Planning Statement.*

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**Mineral aggregate operation** means a *mineral aggregate operation* as defined in the Provincial Planning Statement.

**Mineral aggregate resources** means *mineral aggregate resources* as defined in the Provincial Planning Statement.

**Mineral aggregate resource conservation** means *mineral aggregate resource conservation* as defined in the Provincial Planning Statement.

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**Mineral deposits** means *mineral deposits* as defined in the Provincial Planning Statement.

**Minimum distance separation formulae** means *minimum distance separation formulae* as defined in the Provincial Planning Statement.

**Multimodal** means *multimodal* as defined in the Provincial Planning Statement.

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**Municipal sewage services** means *municipal sewage services* as defined in the Provincial Planning Statement.

**Municipal water services** means *municipal water services* as defined in the Provincial Planning Statement.

**Natural heritage features and areas** means *natural heritage features and areas* as defined in the Provincial Planning Statement.

**Natural environment system** means an ecologically integrated system made of the Town's *natural heritage system, water resource system*, lands within the Greenbelt Plan Area and *Greenbelt Plan Natural Heritage System* and Niagara Escarpment Plan.

**Natural heritage system** means a *natural heritage system* as defined in the Provincial Planning Statement.

**Naturalization** means a process whereby an areas that has been previously disturbed by humans or from natural events, is allowed to regenerate naturally with input of seeds and other propagules from the existing soil and/or adjacent natural areas.

**Negative impacts** means *negative impacts* as defined in the Provincial Planning Statement.

**Neighbourhood supportive uses** means uses which are complimentary, serve the needs of local residents and support the *development* of a walkable and *complete community* and do not create an adverse impact on the surrounding residential uses.

**Normal farm practices** means *normal farm practices* as defined in the Provincial Planning Statement.

**Permanent stream** means a *permanent stream* as defined in the Greenbelt Plan.

**Oil, gas and salt hazards** means *oil, gas and salt hazards* as defined in the Provincial Planning Statement.

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**On-farm diversified uses** means *on-farm diversified uses* as defined in the Provincial Planning Statement.

**One hundred year flood** means *one hundred year flood* as defined in the Provincial Planning Statement.

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**One hundred year flood level** means the *one hundred year flood level* as defined in the Provincial Planning Statement.

**Other wetlands** means lands that meet the definition of a *wetland* and which have not been evaluated as a *provincially significant wetland*.

**Other woodlands** means *woodlands* determined to be ecologically important in terms of features, functions, representation or amount and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*. *Other woodlands* include all terrestrial treed vegetation communities where the percent of tree cover is greater than 25%. *Other woodlands* do not include *woodlands* meeting the criteria as *significant woodlands*.

**Partial services** means *partial services* as defined in the Provincial Planning Statement.

**Petroleum resource operations** means *petroleum resource operations* as defined in the Provincial Planning Statement.

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**Petroleum resources** means *petroleum resources* as defined in the Provincial Planning Statement.

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**Portable asphalt plant** means *portable asphalt plant* as defined in the Provincial Planning Statement.

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**Portable concrete plant** means *portable concrete plant* as defined in the Provincial Planning Statement.

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**Prime agricultural area** means *prime agricultural areas* as defined in the Provincial Planning Statement.

**Prime agricultural land** means *prime agricultural lands* as defined in the Provincial Planning Statement.

**Private communal sewage services** means *private communal sewage services* as defined in the Provincial Planning Statement.

**Private communal water services** means *private communal water services* as defined in the Provincial Planning Statement.

**Protected heritage property** means a *protected heritage property* as defined in the Provincial Planning Statement.

**Protection works standards** means *protection works standards* as defined in the Provincial Planning Statement.

**Provincial and federal requirements** means *provincial and federal requirements* as defined in the Provincial Planning Statement.

**Provincially significant species** (see "Significant")

**Provincially significant wetland** (see "Significant")

**Public service facilities** means *public service facilities* as defined in the Provincial Planning Statement.

**Quality and quantity of water** means *quality and quantity of water* as defined in the Provincial Planning Statement.

**Rail facilities** means *rail facilities* as defined in the Provincial Planning Statement.

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**Redevelopment** means *redevelopment* as defined in the Provincial Planning Statement.

**Renewable energy source** means a *renewable energy source* as defined in the Provincial Planning Statement.

**Renewable energy system** means a *renewable energy system* as defined in the Provincial Planning Statement.

**Reserve sewage system capacity** means *reserve sewage system capacity* as defined in the Provincial Planning Statement.

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**Reserve water system capacity** means *reserve water system capacity* as defined in the Provincial Planning Statement.

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**Residence surplus to an agricultural operation** means a *residence surplus to an agricultural operation* as defined in the Provincial Planning Statement.

**Residential intensification** means *intensification* of a property, site or area which results in a net increase in residential units or accommodation and includes:

- *Redevelopment*;

- The *development* of vacant or underutilized lots within previously developed areas;
- *Infill development*;
- *Development* and introduction of new *housing options* within previously developed areas;
- The *conversion* or expansion of existing industrial, commercial and *institutional* buildings for residential use; and
- The *conversion* or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, *additional residential units*, rooming houses and other *housing options*

**River, stream and small inland lake system** means *river, stream and small inland lake system* as defined in the Provincial Planning Statement.

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**Rural areas** means *rural areas* as defined in the Provincial Planning Statement.

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**Rural lands** means *rural lands* as defined in the Provincial Planning Statement.

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**Seepage areas and springs** means *seepage areas and springs* as defined in the Greenbelt Plan.

**Sensitive** means *sensitive* as defined in the Provincial Planning Statement.

**Sensitive land uses** means *sensitive land uses* as defined in the Provincial Planning Statement.

**Setback** means within the context of the NES, a physical separation that forms a boundary by establishing an exact distance from a fixed point, such as a property line, an adjacent structure, or a natural feature, within which *development* and/or *site alteration* is prohibited in accordance with the policies of the *Conservation Authority*.

**Settlement area** means *settlement areas* as defined in the Provincial Planning Statement.

**Sewage and water services** means *sewage and water services* as defined in the Provincial Planning Statement.

**Shoreline areas** means the interface between terrestrial and aquatic environments, allowing for interactions between them, providing: specialized habitats (e.g., natural beach, overhanging cover, bird stopover or nesting, etc.), natural cover, areas of shoreline erosion or accretion, nutrient and sediment filtration / buffering, shading, foraging opportunities.

**Significant** means *significant* as defined in the Provincial Planning Statement.

**Significant groundwater recharge area** means a significant groundwater recharge area as defined by the Greenbelt Plan and includes areas that has been identified as:

- a) a significant groundwater recharge area by any public body for the purposes of implementing the Provincial Planning Statement;
- b) a significant groundwater recharge area in the assessment report required under the Clean Water Act, 2006; or
- c) an ecologically significant groundwater recharge area delineated in a subwatershed study or equivalent in accordance with provincial guidelines.

Groundwater recharge areas are also classified as “significant” by the *Conservation Authority*, where they supply more water to an aquifer than the surrounding area. In other words, a recharge area is considered significant when it helps to maintain the water level in an aquifer that supplies a community with drinking water, or supplies groundwater recharge to a coldwater ecosystem that is dependent on this recharge to maintain its *ecological function*.

**Significant surface water contribution** areas means *significant surface water contribution areas* as defined by the Greenbelt Plan.

**Significant valleylands** means *valleyland* which is ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. These are to be identified using criteria established by the Province.

Note: the *Conservation Authority* also regulates valleyland erosion hazards. The definitions for valleys and the identification of valleylands that are regulated by the *Conservation Authority* is not necessarily consistent with the definition for *valleyland* and *significant valleyland* nor the identification of *significant valleylands* in accordance with the criteria for *significant valleylands*.

**Significant woodlands** (see “Significant”)

**Site alteration** means *site alteration* as defined in the Provincial Planning Statement.

**Specialty crop area** means *specialty crop areas* as defined in the Provincial Planning Statement.

**Supporting features and areas** means lands that have been restored or have the potential of being restored. *Supporting features and areas* include grasslands, meadows, and thickets (defined in accordance with Ecological Land Classification for Southern Ontario); other *valleylands*; and other *wildlife habitat*; and *enhancement areas* where they are determined to contribute to the biodiversity and *ecological function* of the NES.

**Surface water feature** means *surface water features* as defined in the Provincial Planning Statement.

**Threatened species** means *threatened species* as defined in the Provincial Planning Statement.

**Total developable area** means the *total developable area* as defined in the Greenbelt Plan.

**Total developable area** means *total developable area* as defined in the Provincial Planning Statement.

**Transportation infrastructure** means works such as maintenance, repair or installation of roads or bridges/overpasses as well as underpasses and culverts, and rail lines, but does not include buildings or parking that may be associated with these *infrastructure* components.

**Transportation system** means a *transportation system* as defined in the Provincial Planning Statement.

**Two zone concept** means a *two zone concept* as defined in the Provincial Planning Statement.

**Urban agriculture** means *urban agriculture* as defined in the Provincial Planning Statement.

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**Urban forest** means all trees in urban and rural *settlement areas* and the soils that sustain them, located on public and private property. The *urban forest* includes trees in natural areas and trees in manicured settings such as parks, yards and boulevards.

**Valleylands** means *valleylands* as defined in the Provincial Planning Statement.

**Vegetation protection zone** means a *vegetation protection zone* as defined in the Greenbelt Plan.

**Vulnerable** means *vulnerable* as defined in the Provincial Planning Statement.

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**Waste management system** means a *waste management system* as defined in the Provincial Planning Statement.

**Watershed** means a *watershed* as defined in the Provincial Planning Statement.

**Watershed planning** means *watershed planning* as defined in the Provincial Planning Statement.

**Water resource system** means a *water resource system* as defined in the Provincial Planning Statement.

**Wayside pits and quarries** means wayside pits or quarries as defined in the Provincial Planning Statement.

**Wetlands** means *wetlands* as defined in the Provincial Planning Statement.

**Wildland fire assessment and mitigation standards** means *wildland fire assessment and mitigation standards* as defined in the Provincial Planning Statement.

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**Wildlife habitat** means *wildlife habitat* as defined in the Provincial Planning Statement.

**Woodlands** means *woodlands* as defined in the Provincial Planning Statement.

**Woodland enhancement plan** means a study that is carried out when a proponent proposes to remove a woodland or portion of a woodland, including cultural and regenerating woodlands where the purpose of the woodland enhancement is to increase woodland cover in the region as part of a longer term perspective. *The woodland enhancement plan* must be prepared to the satisfaction of the Town, in consultation with other agencies as the Town sees fit. As part of requirement for a woodland enhancement plan the following should be taken into consideration:

- a) if the removal occurs within the *settlement area* that the enhancement also be provided in the *settlement area*;
- b) that the enhancement be in the form of a woodland and not just the planting of individual trees, i.e., street planting or ornamental tree planting in a park
- c) the goal of the woodland enhancement is it so create a native woodland of equal or greater size;
- d) landscape ecology principles including size, patch shape, connectivity, edge to area ratio should be considered;
- e) responsibilities will be determined for who will undertake the restoration of the woodland and the schedule for implementing the plan;
- f) the *woodland enhancement plan* includes a program for the long-term maintenance and management of the restoration *woodland* until such time as it is deemed to be self-sufficient or when a public agency assumes responsibility for it; and
- g) the plan includes a monitoring plan and periodic reporting to determine if the *woodland* is progressing toward the approved goal(s) and objectives of the plan.