

Date: April 20, 2022

File: D.18.09.ZA-22-0027

To: Ms. Lindsey Richardson, Policy Planner, Planning and Development

**Re: Region Staff Review Comments  
Town of Pelham Comprehensive Draft Zoning By-law**

---

Thank you for the opportunity to review the Town of Pelham's Draft Comprehensive Zoning By-law. Staff has reviewed the initial materials received March 8, 2022 as well as the revisions received March 29, 2022. Comments with regards to the updated mapping schedules, received April 7, 2022, will be provided at a later date.

Detailed comments are outlined in the attached matrix (Appendix I). Regional staff are available to meet should you have any questions or wish to discuss these comments. Please feel free to contact Cheryl Selig at extension 3488 or Alexandria Tikky at extension 3593. Alternatively, you may wish to contact Pat Busnello, Acting Director of Development Planning at extension 3379.

Respectfully submitted,



**Cheryl Selig**

Acting Manager of Development Planning  
Niagara Region

cc: Mr. Pat Busnello, Acting Director of Development Planning, Niagara Region  
Ms. Amy Shanks, Senior Development Planner, Niagara Region  
Ms. Alexandria Tikky, Senior Planner, Niagara Region  
Ms. Lori Karlewicz, Planning Ecologist, Niagara Region

Attachments:

- **Appendix I: Region Staff Review Comments**

**Regional Staff Review Comments**

**Comments RE: Section 2 – DEFINITIONS**

| Topic                              | Region Staff Comment   | Applicable Policy References |
|------------------------------------|--|------------------------------|
| Agricultural Produce Stand         | <ul style="list-style-type: none"> <li>Recommend changing the size from 250 ft<sup>2</sup> to a metric measurement such as 23 m<sup>2</sup> or 25m<sup>2</sup> for consistent use of measurement units throughout the bylaw.</li> </ul>  |                              |
| Bed and Breakfast Establishment    | <ul style="list-style-type: none"> <li>The definition limits the establishment to 3 rooms but the general provisions for Bed and Breakfast Establishments allow for up to 6 rooms.</li> </ul>  |                              |
| Finished Grade and Grade, Finished | <ul style="list-style-type: none"> <li>Two similar terms with different definitions. Not sure when one definition would apply versus the other definition. Consider deleting one of the two terms.</li> </ul>  |                              |
| Gymnasium/Fitness Centre           | <ul style="list-style-type: none"> <li>The definition includes the word “shall” consider changing the word to “may” to provide flexibility of interpretation.</li> </ul>   |                              |
| Institutional Use                  | <ul style="list-style-type: none"> <li>References “special care residences” but the other references to this type of use are “Home for Special Care” both in the definitions and the General Provisions. Consider amending the wording of this definition from “special care residences” to “homes for special care” for consistency. Unless “special care residences” was used to be more general and all encompassing.</li> <li>Would Institutional Use include something like Adult Daycare or Respite Care? Such uses are likely to become more prevalent as the population ages.</li> </ul> |                              |

|                         |   |  |
|-------------------------|---|--|
| Lane                    | <ul style="list-style-type: none"> <li>Does the wording "not intended for general traffic circulation" affect Region's waste collection vehicles use of the lane? There are several lanes in Pelham that are used for waste collection</li> </ul>   |  |
| Machine Shop            | <ul style="list-style-type: none"> <li>Consider amending this definition to Repair Shop or some similar term. The term "Machine Shop" does not appear to accurately reflect the defined use.</li> <li>Note that the use appears in the following places in the bylaw:                     <ul style="list-style-type: none"> <li>SA-58: 563 Highway 20 West (Regional Road no. 20) *formerly A-14*; and</li> <li>the definition for Home Based Industry.</li> </ul> </li> </ul> |  |
| Micro-brewery           | <ul style="list-style-type: none"> <li>Regional staff note that the definition for Farm Winery indicates that a Farm Winery includes a micro-brewery but that there is also a separate definition for a micro-brewery. Consider amending the definition of Farm Winery or deleting the definition of Micro-brewery.</li> </ul>  |  |
| On-Farm Diversified Use | <ul style="list-style-type: none"> <li>The definition is missing the words "and are limited in area" after the words "agricultural use of the property" at the end of the first sentence.</li> <li>Further, the PPS definition has been expanded to include guidance as it relates to solar facilities, as such, it is recommended that this definition be updated to reflect the 2020 PPS definition.</li> </ul>   | <p>PPS and Greenbelt Plan definition</p> <p><b><i>On-farm diversified uses:</i></b> means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses. (PPS, 2020).</p> |

**Town of Pelham Draft Comprehensive Zoning By-Law Review**  
 Prepared by Niagara Region Development and Planning Services  
 (Last Update: March 16, 2022)

|                            |   |   |
|----------------------------|---|---|
| Vehicle Wash Establishment | <ul style="list-style-type: none"> <li>• Regional staff note that Vehicle Wash Establishment and Car Wash are both defined terms.</li> <li>• Neither is a permitted use in the bylaw</li> <li>• The Vehicle Fuel Station (Gas Bar) definition does not allow a car wash or vehicle wash establishment as an accessory use to a Vehicle Fuel Station (Gas Bar).</li> </ul> |   |
| Watercourse                | The definition for <b>watercourse</b> should match the Conservation Authorities Act definition  | <b>Ontario Regulation 155/06, Definitions, Watercourse</b><br><i>An identifiable depression in the ground in which a flow of water regularly or continuously occurs</i> |

**General Comments**

| Topic   | Region Staff Comment  | Applicable Policy References |
|---|---|------------------------------|
| References to the Regional Public Health Department | <ul style="list-style-type: none"> <li>• The following sections may need to be revised to state “Niagara Region Planning and Development Services Department” rather than “Regional Public Health Department” as it appears to relate to the requirements and approval for private sewage systems:                         <ul style="list-style-type: none"> <li>○ 3.17.3 Minimum Lot Area</li> <li>○ 3.19 Municipal Services</li> </ul> </li> </ul> |                              |

**Comments RE: Section 3 – GENERAL PROVISIONS**

| Topic                          | Region Staff Comment   | Applicable Policy References   |
|--------------------------------|--|--|
| 3.2 Agriculture-Related Uses   | <ul style="list-style-type: none"> <li>• Provided it meets the criteria specified in its definition, agriculture-related uses may be permitted as a primary use on a property. Provincial Guidelines go further to state that such uses "...may be located on farms or on separate agriculture-related commercial or industrial properties".</li> </ul> <p>With this in mind, Town staff may wish to consider adjusting the permitted lot coverage for "aggregate activity area" outlined in Subsection 3.2 b) (i.e. 5% lot coverage to a maximum of 1,000m<sup>2</sup>) in order to recognize those agriculture-related uses located on parcels of their own. However, the Town can leave the provisions as is and be more restrictive.</p> | <p><b>Provincial Policy Statement</b>, Definition for Agricultural-Related Use</p> <p><i>"...means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity."</i></p> <p><b>Guidelines on Permitted Uses in Ontario's Prime Agricultural Area</b>, Agriculture-Related Uses</p> <p><i>"As described in the PPS definition, agriculture-related uses are farm-related commercial and industrial uses. They add to the vitality and economic viability of prime agricultural areas because they are directly related to and service farm operations in the area as a primary activity. These uses may be located on farms or on separate agriculture-related commercial or industrial properties."</i></p> |
| 3.2.2 On-Farm Diversified Uses | <ul style="list-style-type: none"> <li>• Subsection 3.2.2 c) states: "The aggregate activity area occupied by an on-farm diversified use, including all associated uses such as but not limited to parking, loading areas, and recreational amenities shall not exceed 2% of the total lot area to a maximum of 4,000m<sup>2</sup>."</li> </ul> <p>Regional staff note that Provincial Guidelines recommend for on-farm diversified uses a total lot coverage of 2% of the total lot area to a maximum of <u>10,000m<sup>2</sup></u>." If desired, the Town may be more</p>  | <p><b>Guidelines on Permitted Uses in Ontario's Prime Agricultural Area</b>, On-Farm Diversified Uses</p> <p>"These guidelines recommend that "limited in area" be relative to the size of the farm property on which the on-farm diversified use is located. The size of the entire farm property, including land subject to an easement, and not just the portion of a farm that is in agricultural use, should be considered....These guidelines recommend that the standard for the acceptable area occupied by an on-farm diversified</p>   |

|                                       |  |   |
|---------------------------------------|--|---|
|                                       | <p>restrictive than this recommendation.</p> <ul style="list-style-type: none"> <li>There appears to be missing criteria following Subsection 3.2.2 d). Will there be a requirement for Site Control for on-farm diversified uses?</li> </ul>  | <p>use is up to 2% of a farm parcel to a maximum of 1 ha (10,000 m<sup>2</sup>)."</p>   |
| 3.5 Daylighting Triangles             | <ul style="list-style-type: none"> <li>Regional Staff request that the Town remove the permission for a "parking area" within the daylighting triangle section. If a car is parked in the parking area within a daylighting triangle there will be sight line issues.</li> </ul>   |   |
| 3.13.2 Home Industries                | <ul style="list-style-type: none"> <li>The Town may wish to clarify whether "home industries" are the same as home-based industries, as defined.</li> </ul>  |   |
| 3.17.2 Frontage on an Improved Street | <ul style="list-style-type: none"> <li>A typo is noted in the second paragraph. The second sentence should read as follows: "which is located on a lot which does not have direct access to or <b>abuts an</b> improved public road,"</li> </ul>   |   |
| 3.19 Municipal Services               | <ul style="list-style-type: none"> <li>Regional Staff recommend deleting the word "and water supply" from subsection b) as the Region does not regulate private water supply.</li> </ul>   |   |
| 3.24 Parking and Loading Requirements | <ul style="list-style-type: none"> <li>The Parking Provisions section should contain information about the type of bicycle parking required or there should be definitions describing the type and size of bicycle parking that is required especially as it relates to the requirement for indoor bicycle parking.</li> </ul> | <p><b>Regional Official Plan, Policy 9.D.12</b></p> <p><i>The Niagara Region will develop guidelines for local Official Plans and Zoning By-laws that outline minimum provisions for accommodating active transportation-friendly facilities in new development, redevelopment, and public work projects.</i></p> |

|   |   |   |
|---|---|---|
| <p>3.24.1.2 Barrier Free Parking</p>  | <ul style="list-style-type: none"> <li>The required number of accessible parking spaces outlined in Section 3.24.1.2 do not appear to align with the requirements of Subsection 80.36(1) of Ontario Regulation 191/11. Staff recommend that the Table be updated to meet these standards.</li> <li>Additionally, the accessible parking provisions within Ontario Regulation 191/11 require that accessible parking spaces include signage that “identifies the space as ‘van accessible’. The legislation further requires that barrier free parking spaces are indicated by a parking sign. Staff recommend that these requirements also be included within the Zoning By-law.</li> <li>Regional Staff also note that references to barrier-free parking are inconsistently referred to in Subsection 3.9 b) (i.e. “accessible parking”) and 3.24.1 a) (i.e. “parking for persons with disabilities”).</li> </ul> | <p><b>O. Reg 191/11 Integrated Accessibility Standards, Section 80.36 (1)</b></p> <p><i>Off-street parking must have a minimum number of parking spaces for the use of persons with disabilities, in accordance with the following requirements [...]</i></p> <p><b>O. Reg 191/11 Integrated Accessibility Standards, Section 80.37</b></p> <p><i>Obligated organizations shall ensure that parking spaces for the use of persons with disabilities as required under section 80.36 are distinctly indicated by erecting an accessible permit parking sign in accordance with section 11 of Regulation 581 of the Revised Regulations of Ontario, 1990 (Accessible Parking for Persons with Disabilities) made under the Highway Traffic Act. O. Reg. 413/12, s. 6.</i></p> |
| <p>3.31 Second Dwelling Units</p>   | <ul style="list-style-type: none"> <li>Regional Staff note that the provisions in Section 3.31 do not appear to align with Amendment 12 to the Town’s Official Plan. It is recommended that Town staff revisit this section and ensure that conformity is achieved.</li> </ul>  |   |
| <p>3.34.1, 3.34.2, 3.34.3<br/>                 Setbacks from EP1 Zone, EP2 Zone, EP3 Zone</p> | <p>Section 3.34, in conjunction with Sections 8.4, 8.5 and 8.6, suggests that a Zoning By-law Amendment is required when development or site alteration is proposed within the identified setbacks, for the permitted uses. Staff note that this is more restrictive than ROP and Greenbelt Plan policies.</p>  | <p><b>Regional Official Plan, Policy 7.B.1.10</b><br/> <i>Notwithstanding Policies 7.B.1.15 and 7.B.1.20 and the Policies in Chapter 7.A.2, within Environmental Protection Areas, within Fish Habitat in the Greenbelt Natural Heritage System, within key hydrologic features within the Unique Agricultural Areas, and within any associated vegetation protection zones in the Greenbelt Area, development and site alteration shall not be permitted except for the following: a)</i></p>  |

|  |  |  |
|--|--|--|
|  |  | <p><i>forest, fish and wildlife management; b) conservation and flood or erosion control projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available; and c) small scale, passive recreational uses and accessory uses such as trails, boardwalks, footbridges, fences, docks and picnic facilities that will have no significant negative impact on natural features or ecological functions of the Core Natural Heritage System. Where such uses are proposed, the proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Region in accordance with Policies 7.B.2.1 to 7.B.2.5.</i></p> <p><b>Regional Official Plan, Policy 7.B.1.11</b><br/> <i>Development and site alteration may be permitted without an amendment to this Plan: a) In Environmental Conservation Areas; and b) On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 7-1 except for those lands within vegetation protection zones associated with Environmental Protection Areas in the Greenbelt Natural Heritage System. If it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Policies 7.B.2.1 to 7.B.2.5.</i></p> <p><b>Greenbelt Plan, Policy 3.2.5.5</b><br/>         A proposal for new development or site alteration within 120 metres of a key natural heritage feature</p> |
|--|--|--|



|  |  |  |
|--|--|--|
|  |  | within the Natural Heritage System or a key hydrologic feature anywhere within the Protected Countryside requires a natural heritage evaluation or a hydrological evaluation |
|--|--|--|

**Comments RE: Section 4 – RURAL/AGRICULTURAL ZONES**

| Topic                                   | Region Staff Comment  | Applicable Policy References   |
|---|---|--|
| "Farms, microbreweries, distilleries"   | <ul style="list-style-type: none"> <li>"Farm winery, brewery, distillery" is listed as a permitted use. Regional Staff note that the definition for "farm winery" already includes the use of microbrewery and a distillery. As such, it may be more consistent to state the permitted use as simply "Farm winery".</li> </ul>  |  |
| Second Dwelling Units Requirements      | <ul style="list-style-type: none"> <li>"Second dwelling units" are listed as a permitted use. It may be beneficial to also include reference to Section 3.31 for Zone Requirements for Second Dwelling Units.</li> </ul>  |  |
| Transect Diagram                        | <ul style="list-style-type: none"> <li>The Transect Diagram for the agricultural section seems to highlight areas within the urban boundary. Should it perhaps highlight the far left section of the figure instead i.e. the agricultural and rural lands?</li> </ul>   |  |
| Section 4.1 Specialty Agricultural Zone | <ul style="list-style-type: none"> <li>"Solar farms" are listed as a permitted use within the Specialty Agricultural Zone. As noted in our comments above, the use of "ground mounted solar facilities" is listed as an on-farm diversified use in the Provincial Policy Statement and is required to only be permitted as an on-farm diversified use. It may also be permitted in other prime agricultural areas.</li> </ul> | <p><b>Provincial Policy Statement, On-Farm Diversified Uses</b></p> <p><i>...means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value added agricultural Products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.</i></p> |

**Town of Pelham Draft Comprehensive Zoning By-Law Review**

Prepared by Niagara Region Development and Planning Services

(Last Update: March 16, 2022)

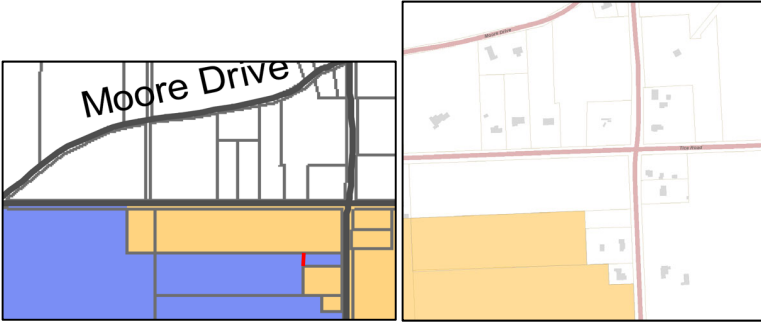
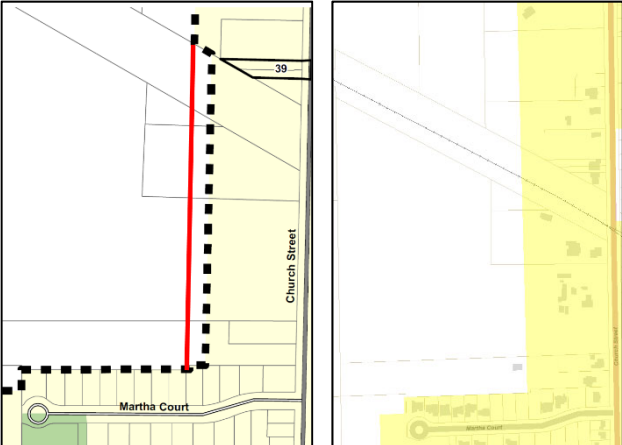
|   |  |  |
|---|--|--|
| <p>4.3.11<br/>Exceptions –<br/>Greenbelt<br/>Natural<br/>Heritage<br/>Overlay</p> | <ul style="list-style-type: none"> <li>Staff require clarity and more information on this section and where the lands identified with the “Exception -1 Zone” are located. Is the Greenbelt Natural Heritage Overlay as a whole considered the Exception -1 Zone?</li> </ul> | <p>Greenbelt Plan, Policy 3.2.2.3 (d) (i)<br/><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).</i></p> |
|---|--|--|

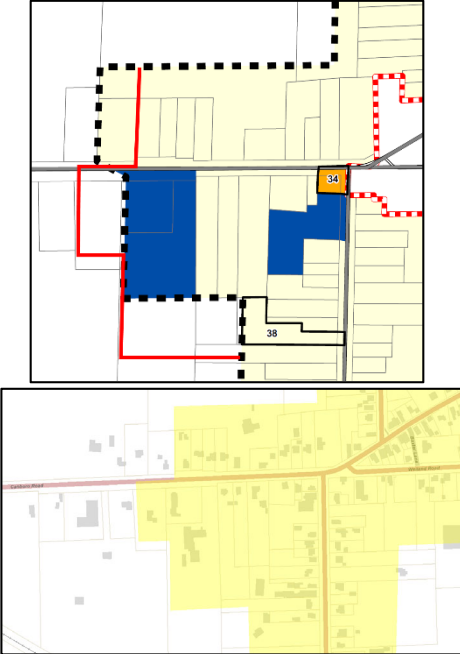
**Comments RE: Section 5 – RESIDENTIAL ZONES**

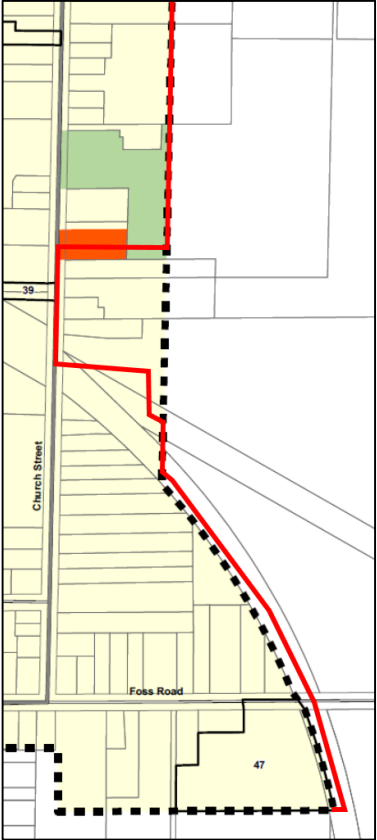
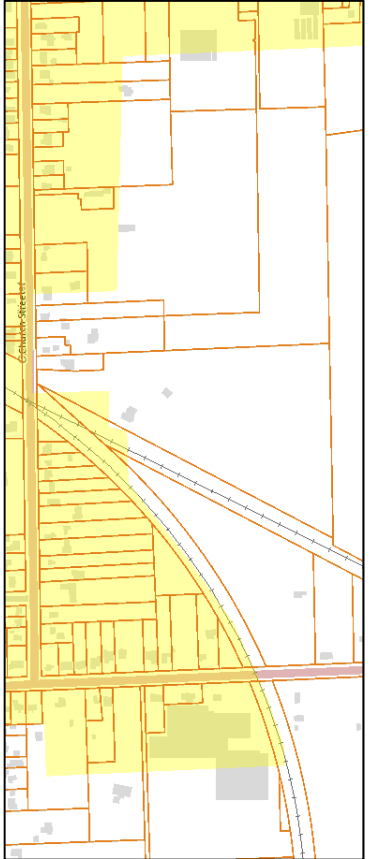
| Topic                                 | Region Staff Comment  | Applicable Policy References  |
|---------------------------------------|---|---|
| <p>Second<br/>Dwellings<br/>Units</p> | <ul style="list-style-type: none"> <li>Similar to the permissions in “Section 4: Rural/Agricultural Zones”, Regional Staff recommend that “second dwelling units” be listed as a permitted use, where appropriate, and that reference is made to Section 3.31 for zone requirements.</li> </ul>   |   |
| <p>Home<br/>Occupation</p>            | <ul style="list-style-type: none"> <li>The Town may wish to consider permissions for home occupations/home-based business within Residential Zones, where appropriate.</li> </ul>   |   |
| <p>Intensification</p>                | <ul style="list-style-type: none"> <li>While recognizing there is a need for compatibility in established neighbourhoods, Provincial and Regional policies call for a range of housing types to be provided within existing built up areas.</li> <li>In particular, staff recommend the Town consider additional “as-of-right” permissions in the Residential 1 (R1) and Residential 2 (R2) Zones to allow for the integration of gentle density in stable residential neighbourhoods.</li> </ul> | <p><b>Regional Official Plan</b>, Objective 4.A.1.10<br/><i>Provide a framework for developing complete communities all across Niagara, including a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile, transit and active transportation.</i></p> <p><b>Regional Official Plan</b>, Policy 11.A.1<br/><i>The Region encourages the provision of a variety of housing types within urban communities and</i></p> |

|  |  |   |
|--|--|---|
|  |  | <p><i>neighbourhoods to serve a variety of people as they age through the life cycle.</i></p> |
|--|--|---|

**Comments re: ZONE SCHEDULES**

| Schedule Overlay               | Reference Image   | Region Staff Comment  |
|--------------------------------|---|---|
| <p>Schedule A – Rural Area</p> |   | <ul style="list-style-type: none"> <li>The extent of the Mineral Aggregate Resource (MAR) zone should be updated to align with the current Regional Official Plan (ROP) mapping for Licensed Pits and Quarries (as indicated by the red line in the figure on the left).</li> </ul>   |
| <p>Schedule B - Fenwick</p>    |  | <ul style="list-style-type: none"> <li>There is a discrepancy in the Urban Area Boundary for the area west of Church Street in Fenwick. The figure on the right represents the current ROP Urban Area Boundary. While it is understood that this currently does not align with the Urban Area Boundary included in the Town's Official Plan, the ROP boundary should take precedence.</li> <li>Accordingly, the lands outlined in red in the figure on the left should be provided with a zoning code and be shown as being included in the Urban Area Boundary.</li> </ul> |

| Schedule Overlay            | Reference Image  | Region Staff Comment   |
|-----------------------------|--|--|
| <p>Schedule B - Fenwick</p> |  | <ul style="list-style-type: none"> <li>• There is a discrepancy in the Urban Area Boundary for the area west of the intersection of Canboro Road and Church Street in Fenwick. The figure on the bottom represents the current ROP Urban Area Boundary. While it is understood that this currently does not align with the Urban Area Boundary included in the Town's Official Plan, the ROP boundary should take precedence.</li> <li>• The figure on the top shows the current ROP Urban Area Boundary in red. The schedule should be revised to include appropriate zoning codes for lands within this boundary. Lands outside of this boundary should be included in Schedule A, and provided with an appropriate zoning code which reflects their location outside of the Urban Area Boundary.</li> </ul> |

| Schedule Overlay            | Reference Image  | Region Staff Comment  |   |
|-----------------------------|--|---|---|
| <p>Schedule B - Fenwick</p> |  |  | <ul style="list-style-type: none"> <li>• There is a discrepancy in the Urban Area Boundary for the area east of Church Street in Fenwick. The figure on the right represents the current ROP Urban Area Boundary. While it is understood that this currently does not align with the Urban Area Boundary included in the Town's Official Plan, the ROP boundary should take precedence.</li> <li>• The figure on the left shows the current ROP Urban Area Boundary in red. The schedule should be revised to include appropriate zoning codes for lands within this boundary. Lands outside of this boundary should be included in Schedule A, and provided with an appropriate zoning code which reflects their location outside of the Urban Area Boundary.</li> </ul> |
| <p>EP1, EP2, EP3 Zones</p>  | <p>N/A</p>   | <p>Mapping to be reviewed and comments provided under separate cover.</p>           |   |

Date: April 25, 2022

File: D.18.09.ZA-22-0027

To: Ms. Lindsey Richardson, Policy Planner, Planning and Development

**Re: Region Staff Review Comments—Environmental Mapping  
Town of Pelham Comprehensive Draft Zoning By-law**

---

Thank you for the opportunity to review the Town of Pelham's Draft Comprehensive Zoning By-law. Staff has reviewed the updated mapping schedules, received April 7, 2022.

Detailed comments are outlined in the attached matrix (Appendix I). Regional staff are available to meet should you have any questions or wish to discuss these comments. Please feel free to contact Lori Karlewicz or myself.

Respectfully submitted,



**Cheryl Selig**

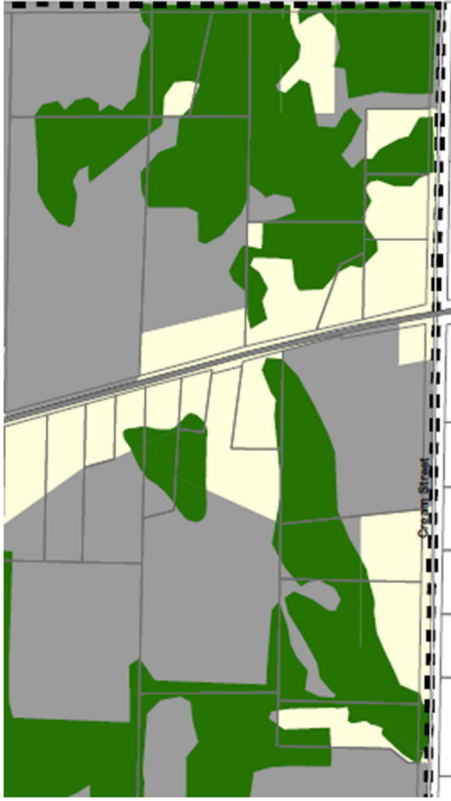

Acting Manager of Development Planning  
Niagara Region



cc: Mr. Pat Busnello, Acting Director of Development Planning, Niagara Region  
Ms. Cara Lampman, Manager Environmental Planning, Niagara Region  
Ms. Lori Karlewicz, Planning Ecologist, Niagara Region

Attachments:

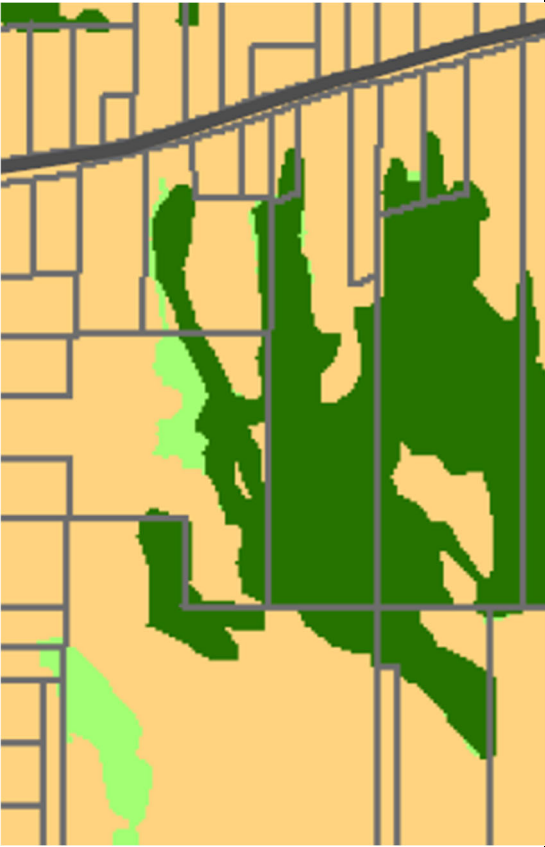

- **Appendix I: Region Staff Review Comments**

**Comments re: MAPPING**

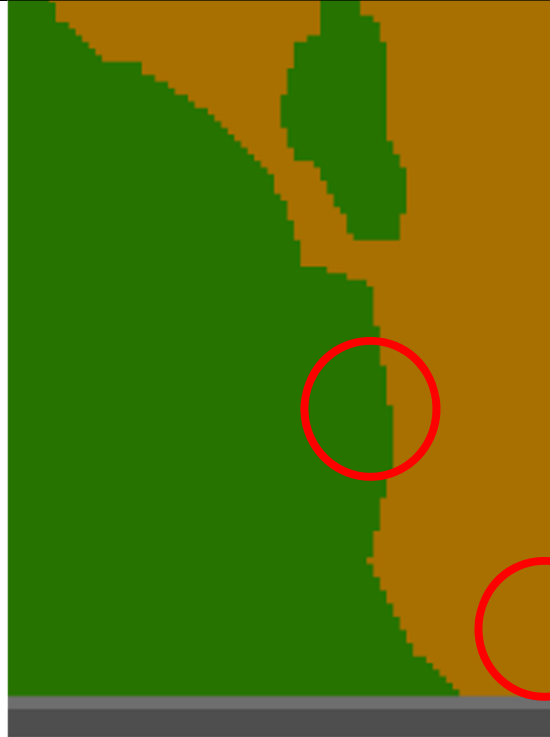

| Schedule Overlay | Reference Image  | Region Staff Comment   |
|------------------|--|--|
| Fenwick          |  |  <p data-bbox="911 1177 1864 1243">Missing PSW Layer – Regional EPA layer was used rather than MNRF Wetland layer</p> |



| Schedule Overlay | Reference Image   | Region Staff Comment  |
|------------------|---|---|
| RURAL            |  |  <p data-bbox="911 850 1163 885">PSW not accurate</p> |



| Schedule Overlay | Reference Image  | Region Staff Comment   |
|------------------|--|--|
| RURAL            |  |  <p data-bbox="915 1195 1381 1232">PSW not accurate in some areas</p> |

| Schedule Overlay | Reference Image   | Region Staff Comment   |
|------------------|---|--|
| RURAL            |  |  <p>PSW not accurate</p> |

| Schedule Overlay | Reference Image  | Region Staff Comment  |
|------------------|--|---|
| RURAL            |  |  <p data-bbox="907 928 1176 966">PSW not accurate</p> |

| Schedule Overlay | Reference Image   | Region Staff Comment   |
|------------------|---|--|
| RURAL            |  |  <p data-bbox="913 815 1906 849">Regional EPA layer – MNRF PSW layer doesn't show a wetland here</p> |



April 14, 2022

Lindsay Richardson, Policy Planner  
Community Planning & Development  
Town of Pelham  
20 Pelham Town Square  
Fonthill, ON L0S 1E0

Dear Ms. Richardson:

**Re: Town of Pelham Draft Zoning By-law**

---

Thank you for providing Niagara Escarpment Commission (NEC) staff an opportunity to review the draft Zoning By-law. We offer the following comments.

Ontario Regulation 826/90 under the *Niagara Escarpment Planning and Development Act* regulates lands which are designated as within the NEC's area of Development Control (DC). On July 1, 2021, an amendment to Ontario Regulation 826/90 came into effect, which changed the format of the regulation from a metes and bounds text based description to new digital maps. This amendment was to provide greater accuracy to the DC boundary and as a result there may be some areas where the boundary of DC has been refined.

The zoning by-law maps will need to reflect the new DC mapping to ensure that there are no gaps in land use planning control. A shapefile of the DC boundary is attached with this letter. NEC staff undertook a preliminary review of gaps, and note that there are some areas along the boundary of the Niagara Escarpment Plan Area and Fonthill where the boundary of DC as per O-Reg 826/90 does not match the boundary within the zoning by-law. In particular, these areas are along the eastern edge of the DC area where it meets Fonthill.

Where the NEC's DC applies, the municipal zoning by-law is not in effect. However, some municipalities apply underlying zoning to the area of DC. This can be helpful for commenting on NEC Development Permit Applications and also if changes to the area of DC take place and the Town has underlying zoning, it would be simpler to transfer land use control.

It should be noted within the zoning by-law that different standards may apply in the Niagara Escarpment Plan Area. Under Part 1.1.1 of the NEP, a municipality may set standards and policies that are more stringent than the requirements of the NEP,

unless doing so would conflict with the NEP. NEC staff note that the preamble includes the relationship to other regulations and legislation, which would include the *Niagara Escarpment Planning and Development Act*.

We trust that these comments are of assistance. Please contact the undersigned at 905-703-5354 if you have any questions or require clarification.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl Tansony". The signature is fluid and cursive, with a large loop at the end of the last name.

Cheryl Tansony  
Senior Planner  
Niagara Escarpment Commission

**From:** [Municipal Planning](#)  
**To:** [Lindsay Richardson](#)  
**Subject:** RE: Request for Comments - Town of Pelham Comprehensive Zoning By-law (March 2022 Draft)  
**Date:** March 8, 2022 10:52:55 AM

---

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Alice Coleman**

Municipal Planning Analyst  
Long Range Distribution Planning

—

**ENBRIDGE**

TEL: 416-495-5386 | [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com)  
500 Consumers Road, North York, Ontario M2J 1P8

[enbridge.com](http://enbridge.com)

**Safety. Integrity. Respect. Inclusion.**

**From:** [Municipal Planning](#)  
**To:** [Lindsay Richardson](#)  
**Subject:** RE: Town of Pelham - Housekeeping Official Plan  
**Date:** June 1, 2022 8:34:08 AM

---

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Casey O'Neil** (she/her)

Sr Analyst Municipal Planning  
**Engineering**

—  
**ENBRIDGE**  
TEL: 416-495-5180  
500 Consumers Rd, North York, ON M2J1P8

[enbridge.com](http://enbridge.com)

**Safety. Integrity. Respect. Inclusion.**

---



**From:** [David Deluce](#)  
**To:** [Lindsay Richardson](#)  
**Subject:** Pelham New ZBL - Mapping Comments (NPCA)  
**Date:** May 4, 2022 3:42:41 PM

---

Hi Lindsay,

Further to our conversation yesterday, I will be providing full comments shortly but in the interim, I want to flag several mapping issues that were noticed.

1. There is a PSW missing at 920 Metler Road
2. PSW missing from 760 Church Street
3. PSW missing from 569 Sumbler Road property to the north
4. LSW missing from 740 Poth Street
5. LSW at 671 River Road does not appear to be accurately captured – also it's zoned EP2 (is that the proper zone?)
6. The 100 year Regulatory flood plain is not captured in any zoning, this should be identified in either an existing zone or a Hazard Land zone
7. Valleyland mapping also not captured but we know that map layer has accuracy issues
8. PSW on Kunda Part (Phase 4) is missing
9. Property at Timber Creek Cres. (ARN: 273203001900275) should be zone EP1 – there is PSW on it
10. PSW has not been shown on Schedule B (Fenwick) – there is a PSW that runs N/S along the east side of the map (Fonthill Kame Wetland Complex)

Our mapping layers are readily available through our Open Data portal: [Niagara Peninsula Conservation Authority Open Data \(arcgis.com\)](#) where you can find the OWES wetland mapping and the 100 year flood plain mapping. If you have any troubles accessing the mapping, we can put you or your GIS staff in touch with our GIS staff.

I trust this information is useful. If you have any questions, please let me know.

Best Regards,

David Deluce, MCIP, RPP  
Senior Manager Planning & Regulations  
Niagara Peninsula Conservation Authority  
250 Thorold Road West, 3<sup>rd</sup> Floor  
Welland, Ontario, L3C 3W2  
905-788-3135 ext. 224  
[ddeluce@npca.ca](mailto:ddeluce@npca.ca)

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly. Our Conservation Areas are currently open, but may have

modified amenities and/or regulations.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.