

**AMENDMENT NO. 15**  
**TO THE**  
**OFFICIAL PLAN (2014)**  
**FOR THE**  
**CORPORATION OF THE TOWN OF PELHAM**

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## **PART "A" – THE PREAMBLE**

### **SECTION 1**

#### **TITLE AND COMPONENTS**

This document was approved in accordance with Section 17 and 21 of the *Planning Act, R.S.O. 1990*, as amended and shall be known as Amendment No. 15 to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text constitutes Amendment No. 15 to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

### **SECTION 2**

#### **PURPOSE OF THIS AMENDMENT**

The purpose of this Housekeeping Amendment is to:

1. Part B: Land Use Policies (Section B2.1: Good General Agricultural and Section B2.2: Specialty Agricultural)
  - a) Amend the text of Section B.2.1.2 to consolidate and update the additional permitted agricultural uses, to add additional policy in relation to on-farm diversified and agri-tourism uses, and to renumber Sections B2.1.3.6 through B2.1.3.12, and B2.1.4 through B2.1.6.
  - b) Amend the text of Section B2.2.2 to consolidate and update the additional permitted agricultural uses.
  - c) Amend Appendix "F" Definitions to include a definition of "On-Farm Diversified Use" to improve and clarify existing policies around secondary agricultural uses.
  - d) Amend Appendix "F" Definitions to update the definition of "Agriculture-Related Use" to align with the most current Provincial Policy Statement definition.
2. Part B: Land Use Policies (Section B1.7.7: The Residential Neighbourhoods)
  - a) Amend the text of Section B1.7.7.3.2 d) to permit a maximum height of 3-storeys or 12 metres, whichever is less to address the new definition of height proposed in the Zoning By-law.

3. Part E: Plan Implementation and Administration
  - a) Add new Policy Section E8 “Delegated Authority” to permit Town Council to delegate the authority to pass certain by-laws under Section 34 of the Planning Act to a Committee of Council, or an individual who is an officer or employee of the municipality.
4. Schedules A and B
  - a) Amend Schedule “A” for lands at 98 Effingham Street by removing the Environmental Protection Two EP2 designation from the subject lands. The lands will remain designated Good General Agricultural.
  - b) Amend Schedule “B” for lands at 98 Effingham Street by removing the Deer Wintering Areas designation from the subject lands.

These proposed housekeeping amendments are referred to collectively as Official Plan Amendment No. 15.

### **SECTION 3**

#### **LOCATION OF THE AMENDMENT**

1. Part B: Land Use Policies (Section B2.1: Good General Agricultural and Section B2.2: Specialty Agricultural)

The lands that are subject to the amendments in Part B, are all lands designated Good General Agricultural or Specialty Agricultural within the Town of Pelham.

2. Part B: Land Use Policies (Section B1.7.7: The Residential Neighbourhoods)

The lands that are subject to the amendment in Part B, are all lands designated EF-Low Density Residential within the Town of Pelham.

3. Part E: Plan Implementation and Administration

The lands that are subject to the amendments in Part E are all lands within the planning boundary of the Town of Pelham.

4. Schedule A and B

The land that is subject to the mapping amendments is 98 Effingham Street.

## **SECTION 4**

### **BACKGROUND AND BASIS OF THE AMENDMENT**

1. General
  - a) The *Planning Act, R.S.O. 1990*, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors:
    - i) The policies will ensure compatibility with the surrounding land uses.
    - ii) This Amendment is consistent with the *Provincial Policy Statement* and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.
  - b) Official Plan Amendment No. 15 is a compilation of policy changes (text) and site specific mapping changes.
2. Part B: Land Use Policies (Section B2.1: Good General Agricultural, Section B2.2: Specialty Agricultural and Appendix F: Definitions)
  - a) The Policy changes are proposed for lands designated as Good General Agricultural and Specialty Agricultural. The proposed changes relate specifically to defining and clarifying agricultural-related uses, on-farm diversified and value-added agricultural uses, which will help to improve and clarify the general types of secondary uses which are permitted in the Good General Agricultural and Specialty Agricultural designations.
  - b) Development in these designations is limited to low density development and agricultural based development and uses. Agricultural-related uses and on-farm diversified uses (including value-added and agri-tourism uses) are intended to be secondary to the main agricultural use and will be required to be compatible with surrounding agricultural uses. Uses will be required to adhere to all other applicable policies of the Official Plan and Comprehensive Zoning By-law, in addition to relevant Federal, Provincial and Regional Policies where applicable.
3. Part B: Land Use Policies (Section B1.7.7: The Residential Neighbourhoods)
  - a) The policy change is required to support the change of definition in the proposed zoning by-law to be measured from the finished grade to the highest point of the roof surface. The amendment to the height in the EF-Low Density Residential policy is technical only, and ultimately doesn't result in a higher finished building height.

#### 4. Part E: Plan Implementation and Administration

- a) Bill 13, *Supporting People and Business Act*, 2021, received Royal Assent on December 2, 2021. Schedule 19 of the Bill made changes to the *Planning Act*, *Municipal Act*, 2001 and *City of Toronto Act*, 2006, that enable Council to, by by-law, delegate the authority to pass by-laws under Section 34 of the *Planning Act* that are minor in nature to a committee of Council, or an individual who is an officer, employee or agent of the municipality.
- b) For the purpose of passing by-laws under Section 34 that are minor in nature, this includes by-laws to remove a holding "H" symbol, by-laws to authorize the temporary use of land, buildings or structures and housekeeping by-laws for the purpose of making clerical or other changes to assist in the interpretation of the Zoning By-law.
- c) In order to delegate the authority to pass by-laws on these matters, the *Planning Act* requires that the Official Plan provide policies to specify the types of by-laws that may be delegated.

#### 5. Schedules A and B

- a) The proposed mapping change will reflect the current site conditions of the subject lands as a farmed field. The Good General Agricultural designation will be maintained to ensure the continued use of the property for agricultural purposes.

### **SECTION 5**

#### **IMPLEMENTATION AND INTERPRETATION**

The relevant policies of the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, of the Town of Pelham Planning Area shall apply to the implementation and interpretation of this Amendment.

## **PART "B" – THE AMENDMENT**

The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by:

1. Deleting Section B2.1.2(a) through B2.1.2(k) and replacing it with the following:
  - a) Single detached dwellings accessory to a farm business or on a vacant lot of record;
  - b) Accessory residential uses on farm properties subject to Policy B2.1.3.5 of this Plan;
  - c) Agriculture-related uses subject to Policy B2.1.4
  - d) On-farm diversified uses subject to Policy B2.1.5;
  - e) Forestry and other resource management uses;
  - f) Passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority;
  - g) Mineral aggregate operations in accordance with Policy B2.5.3.3; and
  - h) Wayside pits and quarries and portable asphalt plants for road works in the area in accordance with Policy B2.5.3.10
2. Renumbering Policy B2.1.4 to B2.1.6.
3. Renumbering Policy B2.1.5 to B2.1.7.
4. Renumbering Policy B2.1.6 to B2.1.8.
5. Renumbering Policy B2.1.6.1 to B2.1.8.1.
6. Renumbering Policy B2.1.6.2 to B2.1.8.2.
7. Adding new Policy B2.1.4 Agriculture-Related Uses as follows:

### **B2.1.4 Agriculture-Related Uses**

- a) Agriculture-related 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 which in turn facilitates broader access to local food and beverages, agricultural products and VQA

wines while preserving the agricultural land base and maintaining the agricultural landscape.

- b) Agriculture-related uses include farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area. These uses support agriculture and benefit from being in close proximity to farm operations and provide direct products from and/or direct services to farm operations as a primary activity.
- c) Adaptive re-use of surplus farm facilities on existing farms for agriculture-related uses will be encouraged to conserve built heritage resources and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.
- d) Agriculture-related uses must relate directly to farms in the area. It is recognized that in order to sustain market and allow for efficient operation of agriculture-related uses, products processed and/or sold by these businesses may be obtained from surrounding local farm operations or from further away. This is permitted provided the majority of product is from farm operations in the area. To assess whether a proposed agriculture-related use meets the test of providing direct products and/or services to farm operations as a primary activity, the Town may require evidence demonstrating that the use will service the local agricultural industry as the sole or main business activity.
- e) Lot creation to accommodate agriculture-related uses is not permitted.
- f) Agriculture-related uses involving 500 square metres or less will be permitted as of right in the implementing Zoning By-law.
- g) Agriculture-related uses involving development over 500 square metres shall be subject to a Zoning By-law Amendment and may be permitted subject to the following criteria:
  - i) Whether the use is more appropriately located in a nearby settlement area;
  - ii) Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
  - iii) Whether the use is compatible with the existing farming operation and/or surrounding farming operations;
  - iv) Whether the scale of the activity is appropriate to the site and/or the farming operation;
  - v) Whether the use is consistent with and maintains the character of the agricultural area;
  - vi) The use does not generate potentially conflicting off-site impacts;



- vii) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- viii) The use shall be subject to site plan control in accordance with Section 9.1 in relation to entrances, parking, loading, signage, grading, drainage, buffering and landscaping;
- ix) The use does not require significant improvements to utilities or infrastructure such as road or hydro services; and
- x) The use complies with all the policies of this Plan and the Niagara Region Official Plan.

8. Adding new Policy B2.1.5 On-Farm Diversified Uses as follows:

**B2.1.5 On-Farm Diversified Uses**

- a) 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 and facilitates broader access to local food and beverages, agricultural products, VQA wines while preserving the agricultural land base and maintaining the agricultural landscape.
- b) On-farm diversified uses must be both secondary to the principle agricultural use of the property and limited in area. Such uses include but are not limited to home occupations, home industries, agri-tourism uses and other uses that produce value added agricultural products.
- c) The adaptive re-use of surplus farm facilities on existing farms for on-farm diversified uses and agri-tourism uses at a scale that is appropriate to the farm operation will be encouraged to conserve built heritage resources and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.
- d) Lot creation to accommodate on-farm diversified uses is not permitted.
- e) On farm diversified uses involving 500 square metres or less will be permitted as of right in the implementing Zoning By-law.
- f) On-farm diversified uses involving development over 500 square metres shall be subject to a zoning by-law amendment and may be permitted subject to the following criteria:
  - i) Whether the use is more appropriately located in a nearby settlement area;
  - ii) Whether the use is required on the agricultural property for it to support and complement the agricultural activity

- iii) Whether the use is compatible with the existing farming operation and surrounding farming operations;
- iv) Whether the scale of the activity is appropriate to the site and the farming operation;
- v) Whether the use is consistent with and maintains the character of the agricultural area;
- vi) The use does not generate potentially conflicting off-site impacts;
- vii) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- viii) The use shall be subject to site plan control in accordance with E1.4
- ix) The use does not require significant improvements to utilities or infrastructure such as roads or hydro services; and
- x) The use complies with all of the policies of this Plan and the Niagara Region Official Plan

Specific on-farm diversified uses are permitted subject to the following provisions:

- 9. Renumbering Policy B2.1.3.9 to B2.1.5.1.
- 10. Amending Policy B2.1.3.9 (now B2.1.5.1) as follows:

#### **B2.1.5.1 Agri-tourism Uses**

- a) Agri-tourism uses that are located on a farm and secondary to the principle agricultural use of the property, limited in area to 500 square metres or less, and related to agriculture will be permitted as of right in the implementing Zoning By-law.
- b) Agri-tourism uses that are both located on a farm and secondary to the principle agricultural use of the property involving development over 500 square metres shall be subject to a Zoning By-law Amendment and may be considered based on the following criteria:
  - i) The scale of the operation is appropriate to the site and surrounding farming operations;
  - ii) The use has minimal impact on, does not interfere with and is compatible with surrounding agricultural uses;
  - iii) The use does not generate potentially conflicting off-site impacts including impacts related to infrastructure or transportation/traffic;
  - iv) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems and will not generate the need for additional public infrastructure;
  - v) The use does not require significant improvements to utilities or infrastructure such as roads or hydro services;

- vi) The use complies with all of the policies of this Plan and the Niagara Regional Official Plan;
- vii) For special events, the use represents an occasional activity and is not a regular recurring activity; and
- viii) The timing and duration of such uses do not hinder the agricultural operation on the site or result in any adverse impacts on surrounding lands.

11. Renumbering Policy B2.1.3.6 to B2.1.5.2.
12. Renumbering Policy B2.1.3.11 to B2.1.5.3.
13. Renumbering Policy B2.1.3.12 to B2.1.3.6.
14. Renumbering Policy B2.1.3.7 to B2.1.5.5.
15. Renumbering Policy B2.1.3.10 to B2.1.3.7.
16. Renumbering Policy B2.1.3.8 to B2.1.5.7.
17. Amending Appendix F: Definitions to include the following definitions:

**On-farm Diversified Use** means uses that are secondary to the principle 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)

18. Amending Appendix F: Definitions to update the existing definition of Agriculture-Related Use to read:

**Agriculture-related Use** 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

19. Deleting Section B2.2.2(a) through B2.1.2(j) and replacing it with the following:
  - a) Agricultural uses;
  - b) Single detached dwellings;
  - c) Accessory residential uses on farm properties subject to Policy B2.1.3.5 of this Plan;
  - d) Agriculture-related uses subject to Policy B2.1.4

- d) On-farm diversified uses subject to Policy B2.1.5;
- e) Forestry and other resource management uses;
- f) Mineral aggregate operations in accordance with Policy B2.5.3.3; and

20. Deleting Section B1.7.7.3.2 d) and replacing it with the following:

- d) The maximum building height for any building within the EF-Low Density Residential designation shall be 3-storeys, or 12.0 metres, whichever is less.

21. Adding Policy E8 Delegated Authority as follows:

**E8 Delegated Authority**

- a) The Town may, by by-law, delegate the authority to pass by-laws under Section 34 of the *Planning Act*, that are of a minor nature, to a committee of Council or an individual who is an officer or employee of the municipality.
- b) Delegation of the authority to pass by-laws under Section 34 of the *Planning Act* shall be limited to:
  - i) A by-law to remove a holding “H” symbol;
  - ii) A by-law to authorize the temporary use of land, buildings or structures; and
  - iii) A housekeeping by-law for the purpose of making clerical or other changes to assist in the interpretation of the Zoning By-law.
  - iv) Approval of an Agricultural Purposes Only (APO) amendment as the result of a consent.
- c) The delegation of authority authorized under Section E8 b) may be subject to conditions of Council.
- d) Delegation of authority may be withdrawn, by by-law, in respect of any by-law for which a final disposition was not made before the withdrawal.

22. Removing the Environmental Protection Two EP2 designation for the property at 98 Effingham Street as shown on Schedule A.

23. Removing the Deer Wintering Areas designation for the property at 98 Effingham Street as shown on Schedule B.

## **PART "C" – APPENDICIES**

Appendix 1 – Notice of Public Meeting, Published in the Voice of Pelham, May 24, 2022

Appendix 2 – Public Meeting Minutes, June 13, 2022

Appendix 3 – Circulation Comments