

REGULAR COUNCIL AGENDA

C-05/2024
Wednesday, March 6, 2024
9:00 AM
Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

The Town of Pelham is holding hybrid meetings of Council and Committee in accordance with Procedure By-law 4507(2022). Public access to meetings will be provided in-person at the location indicated on the agenda, via Livestream: www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

Pages

- 1. Call to Order and Declaration of Quorum
- 2. National Anthem
- 3. Land Recognition Statement

We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.

- 4. Approval of the Agenda
- 5. Disclosure of Pecuniary Interests and General Nature Thereof

6.	Hea	ring of Presentation, Delegations, Regional Report				
	6.1	Delegations				
		6.1.1	E.L. Crossley Rowing Team Sponsorship and Support	5 - 21		
			Pauline Oliver, Rebecca Babineau, Will Babineau, Kaitlyn Furney			
7. Adoption of Council Minutes						
	7.1	C-04/2	2024 - Regular Council Meeting - February 21, 2024	22 - 31		
8.	Req	uest(s) to Lift Consent Agenda Item(s) for Separate Consideration				
9.	Con	Consent Agenda Items to be Considered in Block				
	9.1	Presentation of Recommendations Arising from Committee of Council, for Council Approval				
		1. PCOW-02/2024 - February 14, 2024 Public Meeting under the Planning Act				
		2. C-0 Develo				
	9.2	Minutes Approval - Committee of Council				
		9.2.1	1. PCOW 02/2024 - Public Meeting under the Planning Act - February 14, 2024	34 - 40		
	9.3	Advisory Committee Minutes for Information				
		9.3.1	Lincoln Pelham Public Library Minutes - January 16, 2024	41 - 44		
		9.3.2	Pelham Finance and Audit Committee Minutes - November 22, 2023	45 - 57		
10.	Con	nsent Agenda Item(s) Lifted for Separate Consideration, if any				
11.	Presentation and Consideration of Reports					
	'					

11.1 Memb	1 Members of Council Reports				
11.1.1	Councillor Olson - Update on Niagara Transit	58 - 65			
11.1.2	Councillor Hildebrandt - Update on the Utility Sustainability Work Group	66 - 69			
11.2 Staff Reports Requiring Action					
11.2.1	Naming of Environmental Protection Block - Saffron Meadows Phase 3 (Phase 3) Subdivision, 2024-0058-Planning	70 - 75			
11.2.2	Pedestrian Handrail at Pelham Street and Regional Road 20, 2024-0057-Public Works	76 - 78			
11.2.3	Update on Centennial Park Washrooms Extras Update, 2024-0060-Public Works	79 - 84			
11.2.4	Council Chambers Utilization, 2024-0059-Chief Administrator Officer	85 - 87			
New Business					

12.

13. Motions and Notices of Motion

Councillor Eckhardt Motion re: Development Charges By-law 13.1

Mover: Councillor Eckhardt

Seconder: Councillor Wink

THAT Council defer consideration of By-law 16-2024, Being a By-law to impose Development Charges, until the March 27th, 2024, Regular Meeting of Council.

14. Presentation and Consideration of By-Laws

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1. By-law 13-2024 - Being a By-law to amend Zoning By-law 4481(2022), as amended, to Regulate the Use of Land, Buildings and Structures within the Town (Zoning By-law) to Update Provisions based on an Administrative Review (Housekeeping Amendments). File No. AM-08-2023.

- 2. By-law 14-2024 Being a By-law to amend By-law No. 71-2023 to establish 2024 Fees and Charges to be collected by the Corporation of the Town of Pelham; And to add and amend Fees and Charges to the Recreation, Culture, and Wellness Schedule.
- 3. By-law 15-2024 Being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 1389 Effingham Street, legally described as Part of Lot 5, Concession 8, Town of Pelham, Regional Municipality of Niagara, from the Specialty Agricultural (SA) and Environmental Protection One (EP1) zones to the site-specific Specialty Agricultural-156 (SA-156) and Environmental Protection One (EP1) zones.
- 4. By-law 16-2024 Being a By-law for the Imposition of Development Charges and to Repeal By-law 4023(2018) and Amending By-law 4149(2019), 4314(2021), and 4431(2022).
- 5. By-law 17-2024 Being a By-law to adopt Official Plan Amendment No. 20 for the Town of Pelham Planning Area. 1389 Effingham Street

15. Resolution to Move In Camera

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:

- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose 1 Item (Human Rights Tribunal)
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board 1 item (Ward 2)
- 16. Rise From In Camera
- 17. Confirming By-Law

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18. Adjournment



Signature

Request to Appear Before Council

Administration Services

Please fill out and return no later than 12 p.m. noon ten (10) days prior to the Meeting you wish to appear. Completed forms, including presentation materials are to be submitted to the Clerk's department and can be dropped off or emailed to clerks@pelham.ca

Name or Organization or Firm: Crossley Rowing						
Name and Title of Presenter(s): Pauline Oliver, Rebecca Babineau, Will Babineau, Kaitlyn Furtney						
Address: 350 Highway #20 West, Fonthill						
Telephone:		Email:				
Date of Meeting Request	ed: March 6, 2024					
How will you attend Council? In-person Electronically The delegate shall notify the Clerk at least five (5) business Days in advance.						
Subject matter to be discussed:	Crossley Rowing rowing team sponsorship and support for equipment					
If not for information, identify the desired action requested:	Town of Pelham to provide E.L Crossley with an amount to support the rowing team. Somewhere between 1,000 to 9,000 dollars.					
Have you previously spoken on this issue? If a group or individual has previously appeared as a delegate, a further delegation from the same group or individual on the same topic will not be permitted, unless there is significant new information to be brought forward.						
Do you have presentation material or speaking notes? Polegations are required to provide the Clerk's department presentation materials for publication in Council's agenda package. Materials must be provided no later than 12 p.m. noon ten (10) days prior to the Meeting.						
I have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments submitted, will become public documents and listed on the Town's meeting agenda and posted to the Town's website. I also understand that as a participant of this meeting, I will be recorded and further understand that this recording with be posted to the Town of Pelham's YouTube Channel.						
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Date



E.L. CROSSLEY ROWING

2024 GIFT & SPONSORSHIP OPPORTUNITIES

BUT FIRST, THANK YOU

Thank you for your interest in supporting E.L. Crossley High School's Rowing Team. Together, we can propel our athletes to even greater heights and continue a legacy of excellence.

Our E.L. Crossley rowing team has earned recognition at the local, provincial, and national level, showcasing the talent, commitment, and teamwork that define our students.

As we continue to pursue excellence, we are seeking partners who share our vision for fostering not only athletic achievement but also personal growth and **Niagara** community spirit.

Here's what your support will do:

- Empower young athletes, providing them with opportunities to excel both academically and athletically.
 - Enhancement of training facilities.
 - The acquisition of state-of-the-art equipment.
 - The creation of an environment that promotes success.

BLUE & GOLD PROUD

The Rowing Team is a special part of life at E.L. Crossley. Open to all students of all abilities. The crew is currently 75 strong and the priorities of the team are 1) family 2) education and 3) rowing.

When you are supporting this team, you are backing a winner, having won 11 consecutive National Championships in a row. Many former Crossley crew have gone on to further rowing success on the Canadian National Team and have been successful at the University level as well. There are also many graduate rowers on NCAA scholarship.



2023 Three E.L. Crossley crews travelled to Philadelphia to compete in the Stotesbury Cup regatta, the largest and oldest high school regatta in the world. Going undefeated in the time trials, semi finals and finals, all three Crossley crews won **gold**.



2023 E.L. Crossley Senior Men win back-to-back **gold** at the Canadian Secondary School Rowing Association championships in St. Catharines, Ontario.



2023 E.L. Crossley Athletes race Head of Charles, Boston MA (with Notre Dame Rowing Club) win **gold** for Women's Coxed Quad with a Page 8 of 138 16 second lead!

BLUE & GOLD PROUD

E.L. Crossley ranks **Number 1** in Gold Medals won at CSSRA between 1939-2023 (Canadian Secondary School Regatta)

Rank	School	# of Gold
1	E.L.Crossley, Pelham Ont	154
2	Brentwood College, Mill Bay BC	103
3	Ridley College, St Catharines Ont	94
4	Upper Canada College, Toronto Ont	83
5	Collegiate, St Catharines Ont	77
6	West Park, St Catharines Ont	64
7	Brockville Collegiate, Brockville Ont	61
8	Sir Winston, St Catharines Ont	62
9	Lakeport, St Catharines Ontario	50
10	Denis Morris, St Catharines Ont	51
11	Governor Simcoe, St. Catharines Ont	46
12	Shawnigan Lake School, Shawnigan BC	47
13	Vancouver College, Vancouver BC	35
14	Branksome, Toronto Ont	34
15	Holy Cross, St.Catharines Ont	31



2023 E.L. Crossley Novice Men 72kg Coxed Quad win **gold** at the Canadian Secondary School Rowing Association Championships in St. Catharines, Ontario.

2023 E.L.
Crossley's Malarie
Jones recorded a
7:04 time in the
2,000-metre
ergometer race to
finish second at
the World
Championships.
Her time of 6:59.1
and came within
one second of
breaking the
Ontario record set
back in 2003.



HOW YOU CAN HELP

WE NEED NEW BOATS

Crossley lost two boats over the last season to significant damage.

Our most urgent need is to replace both boats, with an estimated cost of

\$20,000-\$50,000 (used) each.

EQUIPMENT MAINTENANCE & REPLACEMENT

Annual purchase of new oars and equipment, as well as repair and replacement parts for older boats, is crucial.

Approximately \$10,000 per year is needed.

Examples of Equipment Costs:

Riggers \$500+ Oars \$800 Used Ergs \$1000+ Boat Slings \$215 - \$465 Rowing Shoes \$145+ Boat Bits and Parts \$10 - \$250 Seat Top \$95 Seat Complete with parts \$190 Fins and Rudders \$20 - \$80 Oar Locks \$20+ Pins and Washers \$50 - \$200

FACILITY FEES, EQUIPMENT RENTALS, & INCIDENTALS

For evening and weekend training, our team is required to pay school board maintenance fees.

To ensure that our team can participate in regattas, boats and equipment must be rented to make up for the shortfall. A contingency fund needs to be replenished for unexpected equipment and regatta expenses during the season. Approximately \$8,000 per year is needed.

* In addition, each athlete is responsible for the cost of third-party training facilities, purchase of uniform, regatta fees, rowing club membership, transportation, and accommodations for out-of-town competitions and regattas.

2024 CROSSLEY ROWING FUNDRAISING EVENTS



25th Annual Pasta Dinner

Event Date: February 10, 2024

Location: E.L. Crossley Secondary School

Community Partners

Meatball & Pasta Sauce Sponsor – Deluca Fine Foods
Pasta Sponsors – Little Ones Lunches Ltd. & Food Basics Fonthill
Decor & Floral Sponsors – Party Max Welland and Rice Road

Greenhouse

Coffee Sponsor – Black Sheep Coffee Roasters

Cake Sponsors – Indulgence Bakery, Sobeys South Pelham,
Lewis Family Chiropractic,

Now Accepting Prize Donations

Silent Auction Items \$20+ Value Penny Sale Items \$10-20 Value

2024 CROSSLEY ROWING FUNDRAISING EVENTS



Afternoon Tea & Purse Bingo

Event Date: Saturday May 11th Location: E.L. Crossley Secondary School

Community Partners Needed

Tech Sponsor – Still Available

Beverage Sponsor – Still Available

Apps & Nibbles Sponsor – Still Available

Décor Sponsor – Still Available

Vendor Tables Available.

Perfect shopping for Mother's Day Weekend!

Only 200 tickets available. \$45 per ticket. **Now Accepting Donations**

Designer Purse Donations of \$250+

Door Prize Donations \$25+ Value

ANNUAL GIFT & LEGACY SPONSORSHIP OPPORTUNITIES

FRIEND SUPPORT

Gift of \$250 or less

Acknowledgment could include:

Recognition on our new website (coming soon).

FAN SUPPORT

Gift of \$250-900

- Feature on our social media.
- Recognition on our new website (coming soon).



BRONZE SUPPORT

Gift of \$1,000-4,000

Acknowledgment could include:

- Company or family feature on new website (if applicable).
- Feature on our social media.
- Recognition on our new website (coming soon).

SILVER SUPPORT

Gift of \$5,000-9,000

- Small logo or family name featured on athlete's tent at all regattas.
 (Backdrop used for award photo opportunities.)
- Company or family feature on new website (if applicable).
- Feature on our social media.
- Recognition on our new website (coming soon).



GOLD SUPPORT

Gift of \$10,000-20,000

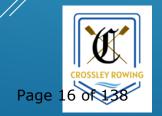
Acknowledgment could include:

- Medium logo or family name featured on athlete's tent at all regattas.
 (Backdrop used for award photo opportunities.)
- Company or family feature on new website (if applicable).
- Feature on our social media.
- Recognition on our new website (coming soon).

CHAMPION SUPPORT

Gift of \$21,000-49,000

- Company name featured on practice t-shirts for athletes.
- Large logo or family name featured on athlete's tent at all regattas.
 (Backdrop used for award photo opportunities.)
- Company or family feature on new website (if applicable).
- Feature on our social media.
- Recognition on our new website (coming soon).



REGATTA "FUEL UP" SPONSOR

Sponsorship of \$500

Provide sports drinks, protein bars, and sunscreen for all student-athletes at the Athlete Tent for competitive regatta of sponsor's choice.

- Signage (provided by sponsor) at tent.
- Feature on social media.
- Recognition on our new website.



"RIG UP" DONATIONS

Gift Cards of Any \$ Amount

The team would greatly benefit from the following categories of **gift cards** that would be used to reduce the overhead cost of the program.

Gas Vendors

For hauling boat trailer.

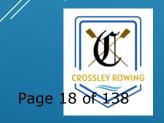
Grocery Stores

For regatta "fuel" at Athlete Tent.

Visa or Mastercard Gift Cards

For parts, tools, and equipment.

- Feature on social media.
- Recognition on our new website.



LEGACY ERG GIFT

Gift of \$1,000

Directly towards the purchase of a new (used) ergometer rowing machine for the E.L. Crossley team.

- Company logo or family name featured on erg.
- Company or family feature on new website (if applicable).
- Feature on social media.
- Recognition on our new website.



LEGACY BOAT GIFT

GIFT of \$50,000+

Directly towards the purchase of a new boat for the E.L. Crossley team.

- Boat naming opportunity.
- Boat christening event with sponsors and athletes.
- Company name featured on practice t-shirts for athletes.
- Large logo or family name featured on athlete's tent at all regattas.
 - (Backdrop used for award photo opportunities.)
- Company or family feature on new website (if applicable).
- · Feature on social media.
- Recognition on our new website.



"The beauty of rowing lies not just in reaching the destination but in the shared journey – the struggles, the victories, and the unbreakable bonds forged along the way."











REGULAR COUNCIL MINUTES

Meeting #: C-04/2024

Date: Wednesday, February 21, 2024

Time: 9:00 AM

Location: Town of Pelham Municipal Office - Council

Chambers

20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin

Bob Hildebrandt Wayne Olson John Wink Kevin Ker Shellee Niznik Brian Eckhardt

Staff Present: David Cribbs

Bob Lymburner

Jason Marr

Teresa Quinlin-Murphy

Jennifer Stirton

Vickie vanRavenswaay

Barbara Wiens Sarah Leach William Tigert Ryan Cook

Usama Seraj (Part-time)

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 9:00 am.

2. National Anthem

3. Land Recognition Statement

Councillor Hildebrandt read the land acknowledgment into the record.

4. Approval of the Agenda

Moved By Bob Hildebrandt **Seconded By** Wayne Olson

BE IT RESOLVED THAT the agenda for the February 21, 2024, Regular meeting of Council be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interests and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

6. Public Meeting Under the Development Charges Act

Moved By Kevin Ker Seconded By Wayne Olson

BE IT RESOLVED THAT Council do now adjourn its meeting to sit as Committee of the Whole to facilitate a Public Meeting Under the Development Charges Act.

Carried

6.1 Opening Remarks

6.2 Overview by Watson & Associates Economists Ltd.

Mr. Byron Tan presented information regarding the 2023 Development Charges Study.

A copy of the background study and draft by-law have been published in accordance with the Act and is available on the municipal website or through the Clerk.

6.3 Public Input

Stephen Kaiser stated he was representing Kaiser & Associates, Niagara Innovative Living, and Mountainview Building Group. Mr. Kaiser endorsed the written correspondence on the agenda. He identified the adverse impact of development charges (DCs) on housing affordability and provided comparisons to neighbouring municipalities.

Mr. Kaiser expressed concern about the lack of consultation, stating it was a flaw in the procedure. Mr. Kaiser requested consideration of a more reasonable DC rate which is collectively supported by the development community. Mr. Kaiser indicated that some aspects of the by-law need to be either discussed further, amended, or removed.

John Langendoen stated he was representing the Pelham Greenhouse Growers Group. Regarding discretionary exemptions, Mr. Langendoen asked for confirmation that greenhouses are exempt under the "farm building" classification.

The Clerk closed the public meeting.

6.4 Committee Input

The Consultant, Byron Tan, clarified the phase-in process and alternative revenue sources. Mr. Tan stated that development charges (DCs) are imposed at the time of building permit application unless there is a payment agreement in place.

Barbara Wiens, Director of Community Planning and Development, clarified that the existing farm building exemption is proposed to be carried forward.

Councillor Niznik framed the impact of DCs on one building permit for a residential single-detached dwelling. Councillor Niznik identified that new infrastructure is required to accommodate new development and expressed that the increase appeared reasonable.

Councillor Ker stated it was not in his interest to place the financial burden of growth on the existing ratepayer. He expressed support for the proposal and suggested it may be positive in moving development forward. Councillor Ker stated that at this time, it is unknown what rates other municipalities will approve.

Mayor Junkin asked if staff agreed there was a lack of consultation and asked if the by-law consideration date could be moved to allow for further discussion. Treasurer, Teresa Quinlin-Murphy stated that the timeline complies with legislative requirements and previous Town guidelines. Mr. Tan identified that the background study and draft by-law have been posted on the Town's website for three months.

Chief Administrative Officer, David Cribbs acknowledged the public commentary while noting that the Town had met the statutory deadlines. Mr. Cribbs suggested that Council consider where they would like to position Pelham in the Region and who should pay for growth. Mr. Cribbs advised that if Council is not comfortable with the proposal, they could direct it back to staff for further analysis.

Councillor Hildebrandt expressed that growth should pay for growth and indicated support for the proposed DCs.

Councillor Eckhardt expressed disappointment in the lack of consultation and asked the implication of by-law deferral. Ms. Quinlin-Murphy stated there is no penalty for deferral and reiterated that the background study and draft by-law had been published for 60 days.

Mayor Junkin stated he was not in support of the proposed DCs as they were too high.

6.5 Presentation of Resolutions

Moved By John Wink

THAT Committee recommend Council receive the Development Charges By-law Overview presentation by Watson and Associates Economists Ltd.;

AND THAT Committee recommend Council receive the Pelham Study, dated December 20, 2023, prepared by Watson & Associates Economists Ltd.;

AND THAT Committee recommend Council direct staff proceed with the preparation of a Development Charges By-law for consideration by Council on March 6, 2024.

Carried

Moved By Bob Hildebrandt

THAT Committee receive the written correspondence as listed on the agenda; AND THAT Committee receive the verbal presentations made by the public.

Carried

7. Rise from Committee

Moved By Brian Eckhardt

THAT Committee rise from Committee of the Whole, Public Meeting under the Development Charges Act and reconvene as Council.

Carried

8. Adoption of Council Minutes

Moved By John Wink Seconded By Kevin Ker

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

- 1. SC-01/2024 Special Council Meeting Muzzle Order Appeal Hearing January 31, 2024
- 2. C-03/2024 Regular Council Meeting February 7, 2024

Carried

- 9. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration
- 10. Consent Agenda Items to be Considered in Block

Moved By Wayne Olson Seconded By Brian Eckhardt

BE IT RESOLVED THAT the Consent Agenda items as listed on the February 21, 2024, Council Agenda be received and the recommendations contained therein be approved:

- 10. Consent Agenda Items to be Considered in Block
- 10.1 Presentation of Recommendations Arising from Committee of Council, for Council Approval

BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from the following:

C-03/2024 - Committee of the Whole - Water and Wastewater Budget - February 7, 2024

- **10.2 Staff Reports of a Routine Nature for Information or Action**
- 10.2.1 Centennial Washrooms Construction Update 2, 2024-0049-Public Works

BE IT RESOLVED THAT Council receive Report #0049- Public Works- Centennial Park Update 2, for information.

10.2.2 2023 Pelham Water Distribution System Summary Report, 2024-0024-Public Works

BE IT RESOLVED THAT Council receive Report #2024-0024 Pelham Water Distribution System Summary Report, for information.

- **10.3 Information Correspondence**
- **10.3.1 Township of Greater Madawaska Tax Credit for Volunteer Firefighters**

BE IT RESOLVED THAT Council receive the motion from the Township of Madawaska regarding support for Bill C-310 and Amendments to Subsections 118.06 (2) & 118.07 (2) of the Income Tax Act (Tax Credit for Volunteer Firefighters), for information.

- **10.4 Advisory Committee Minutes for Information**
- **10.4.1** Agricultural Advisory Committee Minutes October **25**, 2024

BE IT RESOLVED THAT Council receive the Agricultural Advisory Committee minutes dated October 25, 2023, for information.

10.4.2 Committee of Adjustment Minutes - December 4, 2023

BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated December 4, 2023, for information.

Carried

- 11. Consent Agenda Item(s) Lifted for Separate Consideration, if any
- 12. Resolution to Move In Camera

Moved By Shellee Niznik **Seconded By** John Wink

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose - 1 item (Contract and Agreement)

Carried

13. Rise From In Camera

Moved By Brian Eckhardt **Seconded By** Kevin Ker

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise with Report.

Carried

- 14. Presentation and Consideration of Reports
 - 14.1 Members of Council Reports
 - 14.2 Staff Reports Requiring Action
 - 14.2.1 2024 RCW Town of Pelham User Fees and Charges Amendment, 2024-0052-Recreation

The Director of Recreation, Culture, and Wellness, Vickie vanRavenswaay advised a more fulsome report on RCW fees will be brought to Council for consideration prior to the presentation of the 2025 User Fees and Charges.

Moved By Wayne Olson Seconded By Kevin Ker BE IT RESOLVED THAT Council receive the Memo # 2024-0052 entitled Town of Pelham 2024 RCW User Fees and Charges Amendment, for information;

AND THAT Council direct staff to prepare an amendment to the Town's Fees and Charges By-law to include the Centennial Park Tennis and Pickle Ball Court key fob deposit fee of \$50.00 fee, remove the Senior Membership fee of \$50.00, and amend the Summer Ice Season Date to April 1 – August 1.

Carried

14.2.2 Recommendation Report - Applications for Official Plan and Zoning By-law Amendment - 1389 Effingham Street, 2024-0048-Planning

Moved By John Wink **Seconded By** Bob Hildebrandt

THAT Council receives Report #2024-48 for information as it pertains to File Nos. OP-AM-02-2023 & AM-05-2023;

AND THAT Council directs Planning staff to prepare the necessary Official Plan and Zoning By-law amendments for Council consideration at the next Regular Meeting of Council.

Carried

14.2.3 Recommendation Report - Housekeeping Zoning By-law Amendment, 2024-0044-Planning

Moved By Brian Eckhardt **Seconded By** Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2024-0044 Recommendation Report – Housekeeping Zoning By-law Amendment, for information;

AND THAT Council direct Planning staff to prepare the necessary By-law for Council's consideration in accordance with the summary attached as Appendix A.

Carried

14.2.4 2024 Water and Wastewater Budgets, 2024-0038-Corporate Services Moved By Kevin Ker Seconded By Brian Eckhardt

BE IT RESOLVED THAT Council receive Report # 2024-0038- 2024 Water and Wastewater Budgets, for information;

AND THAT Council approve the recommendations from Committee of the Whole meeting on February 7, 2024 for Council to approve the 2024 Water and Wastewater Budget, increasing the water rate by 6.5% and the wastewater rate by 9.5%.

Carried

14.2.5 Ice Rink Optimization , 2023-0264-Corporate Services

Moved By Wayne Olson **Seconded By** Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2023-0264 - MCC Ice Rink Optimization;

AND THAT Council endorse Option #1 Status Quo: Remove Ice from the Accipiter Arena for 4 months April to July.

Carried

- 15. Unfinished Business
- 16. New Business
- 17. Presentation and Consideration of By-Laws

Moved By Kevin Ker Seconded By John Wink

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a first, second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-law:

1. By-law 08-2024 - Being a by-law to appoint the Niagara Society for the Prevention of Cruelty to Animals and Humane Society Animal Services Officers to enforce Town of Pelham Animal By-laws.

- 2. By-law 03-2024 Being a By-law to regulate the operation of cemeteries by the Corporation of the Town of Pelham and to repeal By-law No. 3012(2019).
- 3. By-law 09-2024 Being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 61 port Robinson Road, legally described as PLAN 25 PT LOT 17 NP717, Town of Pelham, Regional Municipality of Niagara, from the Residential Development (RD) zone to the site-specific Residential 2-157 (R2-157) zone. File No. AM-10-2023.
- 4. By-law 10-2024 Being a By-law to Deem Part of a Registered Plan of Subdivision Not to be a Registered Plan of Subdivision. 801 Canboro Road.
- 5. By-law 11-2024 Being a By-law to exempt Blocks 136, 140, 146, Part Block 160, 59M-505 designated as Parts 1 to 6, both inclusive, 59R-17872, Part Block 163, 59M-505 designated as Parts 1 to 6, both inclusive, 59R-17918, 165, 166, 167, 169 on Plan 59M-505, municipally known as 58, 60, 76, 78, 89, 91, 93, 95, 97, 99, 101, 103, 105, 112, and 114 Acacia Road, 44, 46, 48, 50, and 52 Samuel Avenue, 25, 27, 29, 31, and 33 Saffron Way, 170, 172, 174, and 176 Klager Avenue, and 78, 80, 82, and 84 William Street, from Part Lot Control. Saffron Meadows Phase 3 (Mountainview Building Group). File No. PLC-01-2024

Carried

18. Motions and Notices of Motion

Councillor Eckhardt provided a notice of motion regarding his intent to request deferral of consideration of the Development Charge By-law until the Regular Meeting of March 27, 2024.

19. Resolution to Move In Camera

Moved By Brian Eckhardt **Seconded By** Shellee Niznik

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:

- (c) a proposed or pending acquisition or disposition of land by the municipality or local board - 1 Item (Property located in Ward 1)
- (b) personal matters about an identifiable individual, including municipal or local board employees; (d) labour relations or employee negotiations; (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose 2 items (Non-Union)

Carried

20. Rise From In Camera

Moved By John Wink **Seconded By** Bob Hildebrandt

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise with Report;

AND THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of February 21, 2024.

Carried

21. Confirming By-Law

Moved By Shellee Niznik **Seconded By** Wayne Olson

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 12-2024 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 21st day of February, 2024.

Carried

22. Adjournment

Moved By Brian Eckhardt **Seconded By** Bob Hildebrandt

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for March 06, 2024, at 9:00 a.m.

Carried
Mayor: Marvin Junkin
Town Clerk: William Tigert

Recommendations of the Public Meeting under the *Planning Act* held February 14, 2024 – PCOW-02/2024

BE IT RESOLVED THAT COUNCIL HEREBY approves the following Recommendations Resulting from the Public Meeting under the *Planning Act* meeting of February 14, 2024:

- 1. THAT the agenda be amended to include item 6.2.1.
- 2. THAT the agenda for the February 14, 2024, Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.
- 3. THAT Committee receive Report #2024-45 for information as it pertains to File Nos. 26T19-01-2022 & AM-11-2023;

AND THAT Committee direct Planning staff to prepare the Recommendation Report on this topic for Council's consideration.

- 4. THAT Committee receive the applicant's presentation for information.
- 5. THAT Committee receive Report #2024-0043 Planning Information Report East Fenwick Secondary Plan for information;

AND THAT Committee direct Planning staff to prepare the Recommendation Report on East Fenwick Secondary Plan for Council's consideration.

- **6. THAT Committee receive the consultant's presentation for information.**
- 7. THAT Committee receive the written correspondence as listed on the agenda;

AND THAT Committee receive the verbal presentations made by the public;

AND THAT Committee receive the email correspondence to the clerks@pelham.ca email address.

8. THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.

Recommendations of the C-04/2024, Public Meeting under the Development Charges Act, held February 21, 2024

BE IT RESOLVED THAT Council hereby approves the following Recommendations Resulting from the C-04/2024, Committee Portion of the Regular Council Meeting, Public Meeting under the Development Charges Act, held February 21, 2024:

1. THAT Committee recommend Council receive the Development Charges By-law Overview presentation by Watson and Associates Economists Ltd.;

AND THAT Committee recommend Council receive the Pelham Study, dated December 20, 2023, prepared by Watson & Associates Economists Ltd.;

AND THAT Committee recommend Council direct staff proceed with the preparation of a Development Charges By-law for consideration by Council on March 6, 2024.

2. THAT Committee receive the written correspondence as listed on the agenda;

AND THAT Committee receive the verbal presentations made by the public.

3. THAT Committee rise from Committee of the Whole, Public Meeting under the Development Charges Act and reconvene as Council.



Committee of the Whole Meeting Public Meeting under the Planning Act Minutes

Meeting #: PCOW-02/2024

Date: Wednesday, February 14, 2024

Time: 5:30 PM

Location: Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin, Councillor Bob Hildebrandt,

Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Brian Eckhardt, Councillor Shellee

Niznik

Staff Present: Barbara Wiens, Lindsay Richardson, Sarah Leach, Jodi

Legros

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30 p.m.

2. Land Recognition Statement

Councillor Eckhardt read the land recognition statement into the record.

3. Adoption of Agenda

THAT the agenda for the February 14, 2024, Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment:

Moved By Councillor Bob Hildebrandt

THAT the motion be amended to add item 6.2.1.

Carried

Motion as Amended:

Moved By Councillor Bob Hildebrandt

THAT the agenda for the February 14, 2024, Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

5. Planning Act Application: 26T19-01-2022 & AM-11-2023 - Park Place West

The Deputy Clerk read into the record the Notice Requirements regarding this application.

5.1 Planning Report and Presentation

Ms. Barb Wiens, Director of Community Planning and Development, provided an overview of the application before Council. A copy is available through the Clerk.

5.1.1 Information Report - Applications for Revision to Previously Approved Draft Plan of Subdivision and Zoning By-law Amendment, 2024-0045-Planning

5.2 Applicant's Presentation

Mr. Craig Rohe of Upper Canada Consultants provided an overview of the application before Council. A copy is available through the Clerk. Matt Vartanian, Applicant, was also present.

5.3 Public Input

None.

Ms. Leach, Deputy Clerk, indicated she checked the clerks@pelham.ca email address at 5:56 p.m. and confirmed no e-mails have been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

5.4 Committee Input

A Member of Council asked for information on the stormwater management plan and waste collection. Barb Wiens, Director of Community Planning and Development, stated that stormwater drains to the pond adjacent to the Wellspring site. Ms. Wiens stated waste collection was individual, not centralized.

A Member of Council asked for the current Zoning By-law requirement for maximum lot coverage. Ms. Wiens stated 50%. The Member expressed concern with the potential of removing the lot coverage requirement and asked approximately what lot coverage is being contemplated. Craig Rohe, Agent, stated that the proposed setbacks will ensure balance, establishing a reasonable building envelope while proving flexibility. The Member identified the proposed lots as small, expressing concern the developer will max out the lot coverage. The Member expressed a desire to assign a numerical value to lot coverage.

A Member of Council asked about affordability. Matt Vartanian, Applicant, indicated the development is intended to steer away from million-dollar single detached developments. The Member stated a four-bedroom home is still luxurious and encouraged the applicant to adjust the development to obtain greater affordability. Mr. Vartanian stated it is difficult to gauge a concrete market price at this point.

A Member of Council asked for confirmation that stormwater would flow to the canal, as opposed to Twelve Mile Creek. Ms. Wiens confirmed.

5.5 Presentation of Resolutions

Moved By Councillor John Wink

THAT Committee receive Report #2024-45 for information as it pertains to File Nos. 26T19-01-2022 & AM-11-2023;

AND THAT Committee direct Planning staff to prepare the Recommendation Report on this topic for Council's consideration.

Carried

Moved By Councillor Wayne Olson

THAT Committee receive the applicant's presentation for information.

Carried

6. Planning Act Application: East Fenwick Secondary Plan

6.1 Planning Report and Presentation

Lindsay Richardson, Policy Planner, and Ute Maya-Giambattista, Consultant, provided an overview of the application before Council. A copy is available through the Clerk.

6.1.1 Information Report - East Fenwick Secondary Plan, 2024-0043-Planning

6.2 Public Input

Ron and Irene Birrell did not attend.

Graham Pett stated he was representing Pelham Advocates for Trees and Habitat (PATH). Further to the comments provided on the agenda, Mr. Pett expressed satisfaction and gratitude for the green space provided, the protected woodlands, and the green corridor. Mr. Pett requested the preserved woodland be provided an environmental designation and that all new residential units be required to plant two mature trees. He expressed support for the integration of low-impact development, the minimization or elimination of stormwater management ponds, and the consideration of geothermal systems from fossil fuel. Mr. Pett stated that continuing to build large homes is not sustainable for

the growing population and requested that the consultant consider a higher density than 8-15 units per hectare. In conclusion, Mr. Pett stated the proposed East Fenwick Secondary Plan is a major step forward.

John Klassen requested consideration be given to the changing demographic in Fenwick, soil conditions, the water table, and the capacity for future electrical requirements. Mr. Klassen expressed concern for existing wildlife. He stated that preferred housing type is a personal decision and should not be dictated depending on one's living arrangement. Mr. Klassen expressed a desire to maintain the environment that has existed for 40 years.

Herb Sawatzky presented on behalf of 50by30 Niagara. A copy of the presentation is available in the addendum agenda package and through the Clerk. Mr. Sawatzky requested the exploration of fossil-fuel-free energy for the homes in East Fenwick.

Rob Frizzell stated he is a professional hydrogeologist. Mr. Frizzell indicated the current studies fall short of being able to characterize the existing natural heritage system in the area, as well as the function of the wetlands. Mr. Frizzell discussed the importance of studying groundwater and identified the possibility of groundwater discharge. He suggested that further studies and long-term monitoring could be beneficial.

Lynn Shatford asked what plans are in place to ensure the current groundwater flow issue is not exacerbated through development. Ms. Shatford expressed concern about potentially being required to connect to municipal services and who will bear the cost. Ms. Shatford supported the idea of mixed housing options to ensure future generations can remain in Fenwick.

Jim Jeffs expressed concern with the stormwater management system and exacerbated flooding resulting in tree loss.

Tim Casson asked what stage the Town is at in the cycle of Planning. Barb Wiens, Director of Community Planning and Development, responded the public meeting was held to collect feedback, and significant change is not anticipated. Mr. Casson asked about the range of the green space. Ms. Wiens indicated it is the size that exists at present. Mr. Casson asked approximately when to expect shovels in the ground. Ms. Wiens indicated approximately three years for infrastructure and five years for construction, depending on individual development applications.

William Heikoop, Project Manager with Upper Canada Consultants, stated he was appearing on behalf of several clients. Mr. Heikoop stated the plan provides a well-balanced hierarchy, respecting the existing community while adhering to overall Official Plan policies.

Richard Turenne asked why a portion of his property was within the red zone and if his well would go dry. He asked if he would be required to connect to municipal services. Ms. Wiens indicated that policies in the Official Plan help establish the limits to the secondary plan area. Ms. Wiens stated that policies dictate that the secondary plan process needs to be conducted. She further stated that a background study on groundwater will be conducted which may address the impact on the well. Ms. Wiens concluded by stating that improvements are being made to address existing infrastructure to improve capacity, with additional work to occur.

Katlyn Zwierschke expressed concerns about the cost associated with connecting to municipal services as well as hydro capacity. Ms. Zwierschke expressed concern with the school system, stating Wellington Heights is already at capacity. She asked if the school boards had been consulted. Ms. Wiens confirmed the school boards were circulated and have been kept informed. Ms. Wiens noted that all subdivision applications are also circulated to the school boards.

Lauren Arnold echoed the concerns of Ms. Zwierschke. Ms. Arnold indicated appreciation for the green space and expressed interest in learning more about the environmental corridor. Ms. Wiens stated the environmental corridor is a linking feature that will be realized through development. She advised that additional opportunities to comment are provided with subdivision and zoning by-law amendment applications.

Sherry Rusin expressed concern for drainage and its impact on the farming community. Ms. Rusin suggested a natural water feature be introduced to mitigate drainage issues.

Ms. Leach, Deputy Clerk, read two emails into the record from Jazmin Kikkert which asked various questions. Ms. Leach indicated she forwarded the emails to the Planning Department. A copy of the correspondence is on file with the Clerk.

Ms. Leach indicated she checked the clerks@pelham.ca email address at 7:59 p.m. and confirmed no further e-mails had been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

6.3 Committee Input

A Member of Council asked if there is a way to consolidate the hydrological studies into one report. Barb Wiens, Director of Community Planning and Development, stated it would be premature, as many studies are still to come. The Member asked if the renderings were just conceptual. Ms. Wiens confirmed.

A Member of Council suggested further delineation of parcels on Cream Street, Canboro Road, and Memorial Drive to address concerns regarding private lands. Ute Maya-Giambattista, Consultant, agreed and stated there was an updated plan coming. Ms. Maya-Giambattista, explained the secondary plan acts as a strategy of how future development will occur.

A Member of Council asked how the land for the roadway would be acquired. Ms. Wiens stated ideally through development applications but indicated that negotiations for purchase or expropriation were last resort options. The Member identified the lack of commercial use proposed and asked if the commercial uses to the west were sufficient. Ms. Wiens responded that commercial uses were considered, but the community expressed during the workshop that the core area of Fenwick should be supported as commercial. Further, Ms. Wiens stated an influx of approximately 10 thousand people is needed to warrant a convenience store.

A Member of Council asked about the sizeable area within hash marks. Ms. Maya-Giambattista stated these areas need further studies, to be leveraged through future development applications.

A Member of Council inquired about the transitional framework from 2017 and a specific development application. Ms. Wiens stated that the plan began in 2017; since this time policies have changed. Ms. Wiens stated the hatched area indicates further study to conform to new policies in the Regional Official Plan. Ms. Wiens confirmed the referenced development application is in the area south of Canboro Road.

A Member of Council addressed concerns regarding electronic infrastructure, outages, quality of power, and phase imbalance. The Member advised of a recent upgrade and Council's efforts to address the situation further. The Member warned residents of purchasing new appliances and their associated power requirements. Another Member of Council was hopeful that Ontario Hydro would give Fenwick priority.

A Member of Council asked if residents would be required to connect to municipal services or be grandfathered in. Ms. Wiens indicated there is no policy or by-law currently in place, and stated this would be a future matter for Council's consideration. A Member of Council identified that forcing everyone to connect would place a demand on the system that may not be desirable.

A Member of Council identified that stormwater management is a core issue and assured residents that all concerns have been heard. The Member stated that Fenwick will grow and not remain the hamlet it once was. The Member stated the best interest of the community will be sought, and the document will act as a guide for future decisions.

6.4 Presentation of Resolutions

Moved By Councillor Brian Eckhardt

THAT Committee receive Report #2024-0043 Planning Information Report – East Fenwick Secondary Plan for information;

AND THAT Committee direct Planning staff to prepare the Recommendation Report on East Fenwick Secondary Plan for Council's consideration.

Carried

Moved By Councillor Shellee Niznik

THAT Committee receive the consultant's presentation for information.

Carried

Moved By Councillor Wayne Olson

THAT Committee receive the written correspondence as listed on the agenda;

AND THAT Committee receive the verbal presentations made by the public;

AND THAT Committee receive the email correspondence to the clerks@pelham.ca email address.

Carried

7. Adjournment

The meeting was adjourned at 8:38 pm.

Moved By Councillor Bob Hildebrandt

THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.

Carried
Mayor: Marvin Junkin
Deputy Clerk: Sarah Leach



Minutes of a Meeting of the Lincoln Pelham Union Public Library Board Tuesday 21 November 2023 at 7:00PM Zoom

Present: Donna Burton (Chair), Ruth Gretsinger, Linda Roote, Terry Teather, Jayme Toms, Stephanie Xamin, Nicole Nolan, Councillor Niznik
Staff: Julie Andrews (CEO (Chief Executive Officer)), Susan DiBattista (Director, Community Engagement), Amy Guilmette (Director, Customer Experience), Cassandra Best (Fund Development, Event and Volunteer Coordinator), recorder.
Regrets: Councillor Mikolic, Andrew Colgoni, Joanna Kocsis

1. D. Burton called the meeting to order at 7:08 PM. Councillor Niznik shared about an Indigenous book she had just read that resonated with her in a powerful way. It highlighted the injustice taking place in Indigenous communities in northern Ontario.

2. Approval of Agenda

23- Moved: J. Toms	Seconded: Councillor Niznik				
23- Moved: J. Toms Seconded: Councillor Niznik 51 Be it resolved that the agenda for the meeting of November 21, 2023, be approved. Carried.					
approved. Carried.	, ,				

3. Conflict of Interest Declarations

No conflict of interest was declared.

- 4. Request to lift Consent Agenda Items for separate consideration
- 5. Consent Agenda to be considered in block

23- Moved: T. Teather	Seconded: R. Gretsinger
52 Be it resolved that the Conse	nt Agenda be approved. Carried.

6. Items for Separate Consideration - None

7. Community Engagement Report: Some highlights given were that M. Daley has attended some senior's events in Pelham, S. DiBattista has joined a Community Practice DEI group that will meet quarterly, K. Spence was accepted into Leadership Niagara program. November 19th was customer appreciation day.

Moved: N. Nolan	Seconded: S. Xamin
Actional I Moved, IN. INDIAN	i Seconded, S. Adillin
05 F131 K1	

- Be it resolved that the Community Engagement Report be received and filed for information. Carried.
- **8. CEO Report:** Two new positions were filled, a Children's Program Associate was hired internally for 10 hours a week in Pelham. A new person is coming into the Teen Programming role with a great deal of experience working with youth in Niagara Region. A highlight was given on Staff Day on November 10th and a new learning module Niche Academy is coming to the library for staff and clients. Planning Study is underway with the goal of 40 interviews being completed. Architect for Fonthill was awarded to Ward 99, which is the same firm that has been doing drawings for MFR. CEO meeting with Building and Planning department on Thursday and going over the Green Municipal Fund application.

		Seconded: L. Roote		
54	Be it resolved that the CEO Report be received and filed for information. Carried.			
V0.707	Carried.			

9. Financial Report: Still haven't received public libraries grant for 2023, but no libraries have. Expect to have a small surplus at the end of the year. Budgets are still being worked on in Lincoln and Pelham. Question about difference between staffing and administration costs, explained what falls under Administration (insurance, office supplies, things needed to run the library that is not staffing).

23- Moved: R.Gretsinger Seconded: T. Teather
55 Be it resolved that the Financial Report for 31 October 2023 be approved.
Carried.

10. Meetings and Closures for 2024:

23-	Moved: Councillor Niznik	Seconded: N. Nolan
56	Be it resolved that the meetings and	d closures schedule for 2024 be approved.
	Carried.	1 1

11. Closed Session:

23-	Moved: R. Gretsinger	Seconded: J. Toms	
23- Moved: R. Gretsinger Seconded: J. Toms 57 Be it resolved that the meeting move into closed session to discuss matters			
	pertaining to an identifiable individu	ual. Carried.	

23-	Moved: R. Gretsinger	Seconded: L. Roote
58	Moved: R. Gretsinger Be it resolved that the meeting move out of clo made in closed session are carried out by the	osed session and the decisions
	made in closed session are carried out by the	CEO. Carried.

12. Adjournment: 8:17pm

| 23- | Moved: N. Nolan | Be it resolved that the meeting be adjourned at 8:17 PM. Carried.

Library Board Chair | Onga | Printed | Date: | Date: | 12 Dec 2023 | Date: | Date: | 12 Dec 2023 | Date: | Date:



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Date:

November 22, 2023

Time:

4:00 pm

Location:

Main Floor Meeting Room, Meridian Community Centre

Attendance:

Wayne Olson, Councillor John Wink, Councillor Brian Eckhardt, Councillor

Michael Cottenden, Member

Bill Crumm, Chair

Caroline Mann, Member

Staff Present:

Teresa Quinlin-Murphy, Director of Corporate Services &

Treasurer

Usama Seraj, Manager of Financial Services & Deputy

Treasurer

David Cribbs, CAO

Jonathan Witzke, Payroll Clerk

William Tigert, Clerk

Other:

Trevor Ferguson, Deloitte (part time)

Marvin Junkin, Mayor

Regrets:

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Bill Crumm called the meeting to order at approximately 4pm.

2. Land Recognition Statement

Chair Bill Crumm recited the land recognition statement.

3. Approval of Agenda

Moved by Seconded by

Member Michael Cottenden

Councillor John Wink



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THAT the agenda for the November 22, 2023 regular meeting of the Finance and Audit Committee be adopted.

Carried

4. Declaration of Pecuniary Interest and General Nature

There were no pecuniary interests disclosed by any of the members present.

5. Approval of Minutes

The Committee approved the minutes from the May 23, 2023 Pelham Finance and Audit Committee meeting.

Moved by Seconded by

Member Caroline Mann Councillor Wayne Olson

THAT the minutes of the May 23, 2023 Pelham Finance and Audit Committee be approved.

Carried

6. Business Arising from Minutes

None.

7. Audit

7.1. Deloitte Audit Plan Presentation, Trevor Ferguson, Partner

Mr. Ferguson, Partner from Deloitte presented the 2023 Audit Plan to the Committee, highlighting their role as external auditors to discuss any fraud concerns. The Committee reported no fraud issues. Trevor outlined audit risks, emphasizing year-end accruals,

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estimates, and the importance of asset allocation estimates in financial statement preparation, which the Town is addressing.

A Committee member inquired about the time impact of two new accounting standards on the audit. Mr. Ferguson indicated the timeline varies based on information from management. The Treasurer mentioned staff collaboration with a consultant on three potentially contaminated properties, the most significant risk being land contamination.

Regarding asbestos, Mr. Ferguson noted significant removal efforts in 2015 and the Town's comprehensive asbestos records. The Committee discussed the status of the accounting standard's implementation, focusing on contaminated land and asbestos. The Auditor affirmed that aside from these issues, other audit elements remained consistent with previous years, although the 2015 asbestos remediation significantly impacts this year's effort.

A Committee member asked about changes due to the new financial instrument standard. The Auditor mentioned it would mainly affect disclosures, not the financial statements themselves. The Treasurer and CAO identified the three potentially contaminated properties: Tice Road, the water hauling station (formerly an auto body shop), and Parklane near Marlene Stewart Streit Park.

Moved by Seconded by

Councillor Brian Eckhardt Member Caroline Mann

THAT the Committee received the Audit Plan for 2023 for information.

Carried

8. New Business

8.1. 2024 Operating Budget

The Committee reviewed the 2024 Operating Budget. The Treasurer reported an initial tax levy increase over 11%, reduced to 4.28% through staff efforts. The growth number was 3.16%, helping offset

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the tax increase for residents. The net levy increase includes 1.89% for reserves and 2.39% for the operating budget as shown in Table 1. The Treasurer highlighted the importance of allocating funds to reserves to reach target balances and mentioned that setting aside an additional \$342,000 to reserve in 2024 budget will help with this.

During discussions, the Committee chose to focus on the Operating Budget summary rather than detailed budget reviews. A member inquired about the \$1,233,000 investment income, its dependence on interest rates, and the lack of a continuity schedule. The Treasurer explained the difficulty in predicting this due to variable capital expenditure timings. The Deputy Treasurer added that the Town does have some projections on reserve balances that are included in the budget document, however it is difficult to predict future balances with accuracy due to the timing of future and current approved capital expenditures.

A Committee member observed that salaries and benefits showed notable increases, with some over 100% since 2021. The committee member mentioned that it would be good to see a head count comparison from year to year to better understand these staffing changes. The CAO stated that the Town can produce a head count list comparing it from year to year. CAO also stated that as a service corporation the Town will be staff heavy but during the past four years, staff growth was consistently less than the levy increase, which shows an increase in productivity. A salary review in 2021 found that Town staff were significantly underpaid in comparison to their municipal peers. To improve retention, the Town decided to place staff at the 55th percentile for pay, which resulted in a fair amount of salary adjustments.

The Treasurer confirmed that the Cupe Collective Agreement was ratified. Upon inquiry from a committee member, Treasurer also confirmed that \$377,000 is the average assessed value for household and that this figure comes from MPAC.



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A member inquired if the \$342,000 increase in reserve transfers was additional to this year's amount, to which the Treasurer confirmed. Regarding the surplus expected to go into reserves, the Treasurer explained it would mainly come from interest and supplemental revenues. She estimated around \$1 million but noted potential costs might offset this. Regular payroll variance analyses ensure budget balance, but she cautioned that repeated council requests for extra funding for underfunded projects have gradually reduced the reserves, implying the actual amount transferred might not reach \$1 million.

The Committee discussed the challenge of balancing reserves with taxpayer burdens, especially in light of upcoming capital expenses. A member expressed concerns about the adequacy of current reserves outlook and the need for a more realistic assessment of the town's financial outlook, differentiating between wants and needs. They highlighted Pelham's high debt-to-net revenue ratio and upcoming commitments like the MCC donation pledge as warning signs.

The discussion shifted to evaluating the town's financial model, which emphasizes grants for new investments and reserves for maintenance. Members suggested focusing the capital plan more on needs than wants to better manage debt and avoid unnecessary tax increases. A point was raised about whether the Council provides specific tax increase targets for staff budget planning. It was suggested that setting such targets could guide staff in creating a budget that aligns with Council's expectations. The importance of continuing to invest in and protect the reserves was emphasized.

A member raised concerns about the Meridian Community Centre's (MCC) finances, noting a \$186,000 increase in net revenue but a concerning \$700,000 increase in expenditures. This imbalance, contributing to a \$500,000 increase in the MCC's operating budget, is part of the overall 4.28% tax increase. They questioned the strategies in place for revenue generation, such as revising fees or adjusting to supply and demand, to lessen the tax burden. The member also noted a trend in the overall operating budgets: moderate revenue increases or decreases paired with significant cost rises. For example, Planning and Development saw a \$65,000

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revenue decrease and a \$40,000 expense increase, despite an anticipated activity decrease in this area. The member questioned the rationale behind increasing staff and expenses in areas with decreasing activities, suggesting a more focused approach to managing taxes and adhering to the reserve policy established three years prior. A committee member noted that one of the challenges with MCC is that we had to take on significant debt to build this facility. If the Town had waited for a potential grant, it would have relieved some of the financial pressures with MCC.

A member discussed how, during COVID, the Director accumulated a surplus of supplies due to reduced program activity. However, the programs' unexpected success upon resumption led to rapid depletion of these reserves, necessitating increased spending to avoid waitlists. This situation was described as an anomaly. The budget review highlighted \$460,000 for staff increases, \$110,000 for contract services, and \$61,000 for supplies, with the supply cost being a minor portion of the total \$680,000 increase. A Member noted that the Town recently completed a study by KMPG on staffing levels and some changes needed to be made which are part of the increase in 2024. The Treasurer added that these figures were due to new positions, step increases, and a 3.25% salary increase approved by the council. A member acknowledged these facts but expressed concern about how external observers might perceive these increases in the context of taxpayer concerns.

During a discussion about the Meridian Community Centre (MCC), a member emphasized the need for financial adjustments to maintain MCC's success and service provision. The Treasurer mentioned a KPMG report highlighting MCC's understaffing for its extensive operating hours. In response to a question about fee increases, the Treasurer indicated that fees hadn't significantly risen. A member suggested revisiting the fee structure to cover costs, especially considering the facility's heavy usage and the importance of not overburdening taxpayers. Another concern was the MCC's \$1.5 million impact on the budget. Members questioned the facility's capacity for generating more revenue and whether a break-even analysis had been conducted. The Treasurer noted an ongoing review to optimize facility utilization.



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Members discussed the approach to managing MCC, with some suggesting a focus on operational efficiency rather than just filling the facility. There was also discussion on MCC's profitability and that generating an additional \$175,000 in revenue by adding almost \$700,000 in expenses is not sustainable in the long-term. The Deputy Treasurer acknowledge the concerns but also shared his experience that municipal recreation facilities rarely generate profits. While users fees can help offset some cost of maintaining, expecting the MCC to generate a profit is unrealistic. The committee member clarified that they are not looking for MCC to generate a profit, but looking at the overall long term financial sustainability of the facility. They noted that the Facility had been operating at a deficit of \$1 million for the past 5 years, however that deficit has increased to \$1.5 million in 2024 budget and it may get worse in 2027 when the MCC donation pledges become an operating expense. The discussion ended with consensus on the need for strategic management of the MCC and looking at user fees to mitigate the financial impact on the tax budget.

Moved By Councillor Wayne Olson Seconded By Member Michael Cottenden

THAT the Committee receive the 2024 Draft Operating Budget for information.

Carried

8.2. Review of Capital Financing Using Debt Reserves, Grants and Development Charges (former agenda item 8.4)

The chair asked for the agenda to be rearranged and item **8.2 2024** Capital Budget moved to **8.4 Review of Capital Financing Using Debt Reserves, Grants and Development Charges** and agenda item **8.4** moved to **8.2**.

The Deputy Treasurer noted that the reserve fund forecast shows a projection that the Town will be in a deficit in 2025, and this is not where the Town wants to be. Treasurer commented that the deficits are despite the increases build into contribution for these reserves based on targets.

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Pelham Finance and Audit Committee

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A member commented that the 2022 cumulative reserve balance was \$13.1 million with only the land acquisition reserve being in a deficit. The Treasurer clarified that the \$13.1 million figure is from the financial statements as at Dec 31, 2022 and do not include capital commitments. By Contrast, the reserve projections in the budget documents show the balances with commitments. It was noted that the actual balances on Dec 31, 2023 will likely be different from the projections in the budget document. The Treasurer highlighted the importance of reporting the reserve projections with commitments so that funds can be earmarked for Council approved projects. There was discussion about the existing capital commitments and the fact that some of these projects were approved a long time ago but not spent. The CAO noted that in Q1, meetings with senior staff, including engineering and planning, will focus on reassessing inherited projects and addressing the engineering departments capacity for delivering these projects. Senior staff will differentiate between essential and non-essential projects. A comprehensive review of the Capital forecast is planned, where staff will differentiate between essential and non- essential projects. There are several days dedicated to this exercise over four months. The Deputy Treasurer highlighted that the focus has been on 2024 capital projects with minimal non-essential projects included for 2024. No significant analysis has been done for post-2024 projects, but this will be addressed in the new year.

A member inquired about the 10-year plan's legislative status and expressed concerns about its reliability beyond a 5-year outlook. Another member referenced the CAO's previous comments, noting the plan's current pictorial nature and its limitations. The focus was acknowledged to be primarily on 2024, with doubts raised about the accuracy of projections for years 5 to 10, especially regarding assumptions about grants and unrealistic cost growth. The Treasurer affirmed the necessity of having a 10-year plan, a point with which the member concurred.

A member had a question about the land reserve and asked about the plan to reduce the deficit in this reserve every year. The Treasurer responded that first \$142,000 of surplus is allocated towards the land acquisition reserve.



PFAC-03-2023 Official Minutes

Moved By Seconded By

Councillor Wayne Olson Councillor Brian Eckhardt

THAT the Committee receive the Review of Capital Financing Using Debt Reserves, Grants and Development Charges for information.

Carried

8.3. Set Meeting Dates for 2024

Through discussion with the committee, the chair noted that that the committee would not be setting all meeting dates for the full calendar year at this meeting. The Treasurer will put together some dates and a doodle poll will go out to try and ensure full attendance if possible. The date required of this committee next is January 31, 2024 and that is when the committee will be receiving a preview of the water and wastewater budgets.

Moved By Seconded By

Member Caroline Mann Councillor Brian Eckhardt

THAT the Committee receive and approve a meeting for January 31, 2024

Carried

8.4. 2024 Capital Budget (former agenda item 8.2)

The Deputy Treasurer gave an overview of the 2024 Draft Capital Budget.

The Treasurer noted that regional grants are not included in the 2024 Draft Capital Budget due to uncertainty about available funds. The Town recently received \$640,000 from the Region for the Church Street Project, which was not budgeted for and will help alleviate pressure on reserves. Staff are considering applying for the Quaker Street Project but cannot include it in the budget due to unknown grant amounts and approval criteria.

Pelham

Pelham Finance and Audit Committee

PFAC-03-2023 Official Minutes

A member questioned how many of the sixty-eight (68) projects totaling \$16.6 million dollars were wants versus needs. They also asked if staff receive budget targets based on reserve affordability, rather than simply listing all desired projects. The Treasurer explained the complexity of this process, noting that some projects, like the Quaker Road project, are influenced by external factors like regional involvement for better pricing. Staff are given approximate budget limits per category, but factors like grants and development charges must be considered. The Treasurer emphasized that the 2024 projects are mostly essential, involving road and repair work. The budgeting process involves assessing what the Town can realistically undertake within its financial capacity.

The Deputy Treasurer explained that in the draft 2024 Capital Budget, a few large projects account for over half of the \$16.6 million total capital expenditure. For example, a watermain replacement project in 2024 is budgeted for \$2.7 million with \$1.9 million coming from an approved grant. Although there are 68 projects, many are smaller in value. The final list for 2024, focusing on essential projects like roads and water infrastructure, cannot be easily reduced without risking service levels. A member emphasized that the are not necessarily proposing cuts to these critical projects but rather highlighting the importance of considering affordability when initially drafting the capital budget.

During general discussion about capital budget and debt, the Treasurer mentioned that when the debt policy was introduced in 2019, the Town was struggling to get to a 10% internal debt limit by 2032. The reserves were underfunded so debt was forecasted in future years to be able to fund capital expenditure. Since then, the Town has made some extra contrition to reserves as a result of surpluses, which has allowed the Town to avoid taking out debt that was previously forecasted. As a result, the Town is currently at 10.8% internal debt limit, which is a huge achievement.

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Pelham Finance and Audit Committee

PFAC-03-2023 Official Minutes

A member asked if the capital forecast considered any future grants. The Treasurer responded that besides the already approved grants, the only other grants that are included in the capital forecast are the Ontario Community Infrastructure Fund (OCIF) and the Canada Community Building Fund (CCBF, formerly gas tax) grants. These two grants combined provide approximately \$1.2 million in long-term infrastructure funding. The Deputy Treasurer noted that when staff look at funding the capital expenditures, grants and reserves are exhausted first as funding sources before Town considers issuing any debt for remaining capital items.

Moved By Seconded By Councillor John Wink

Member Michael Cottenden

THAT the Committee receive the 2024 Draft Capital Budget for information.

Carried

9. Operating Financial Report

The chair noted that this report has already gone to council for approval. The chair commented that he will look at making meeting dates that make more sense of when sequentially we are getting information versus getting something after the fact, there is no value in the committee when we look at it through that lens.

No comments or questions.

Moved by Seconded by

Councillor John Wink Councillor Wavne Olson

THAT the Committee receive the Operating Financial Report for information.

Carried

PFAC-03-2023 Official Minutes

10. MCC Operating Financial Report

The chair noted that this report has already gone to council for approval.

No comments or questions.

Moved by Seconded by

Member Michael Cottenden

Councillor Wayne Olson

THAT the Committee receive the MCC Operating Financial Report for information.

Carried

11. Capital Report 2023 Third Quarter

The chair noted that this report has already gone to council for approval.

No comments or questions.

Moved by Seconded by

Member Caroline Mann Councillor Brian Eckhardt

THAT the Committee receive the Capital Report for information.

Carried

12. Reserves

None.

13. Financial Risks

None.

14. Unfinished Business

None.



PFAC-03-2023 Official Minutes

15. Next Meeting

The next meeting is scheduled for January 31, 2024

16. Adjournment

Moved by Seconded by

Member Caroline Mann

Member Michael Cottenden

THAT this Regular Meeting of the Pelham Finance and Audit Committee be adjourned at 5:52 pm

Carried

Chair, Bill Crumm

Andrea Metler, Admin. Assistant, Corporate Services



First Year of Operation Year End 2023





Importance of a Long-Term Plan-Guiding Principles

- Ensure a reasonable degree of stability and predictability in the rate burden,
- Provide a fair sharing in the distribution of resources between current and future taxpayers,
- Ensure sustainable cash flows,
- Maximize financial flexibility,
- Minimize financial vulnerabilities during economic downturns,
- To protect and maintain assets, and
- Maintain programs and services at their current level.





The Long-Range Financial Plan is Dynamic – Regular Updates Should be Undertaken Regularly

- To amend the assumptions, projections and strategies based on changes in the municipal environment,
- To continue building awareness of the results of predictions of current operating and capital spending and funding levels,
- To assist the Commission in redetermining the extent of its financial challenges,
- To reaffirm the key financial goals and strategies that should guide future planning, and
- To spur the development of actions to further further business plans that would respond to the long-term strategies.



NRT Operating Results 2023

Expenditure	Year to Date Budget	Year to Date Actual	Year to Date Budget vs Actual Variance Amount	Year to Date Budget vs Actual Variance Percentage
Labour Related Costs	\$37,526	\$39,768	-\$2,242	-6.0%
Administrative	\$2,858	\$888	\$1,970	68.9%
Operational & Supply	\$11,215	\$11,229	-\$14	-0.1%
Occupancy & Infrastructure	\$481	\$939	-\$458	-95.3%
Equipment, Vehicles, Technology	\$13,341	\$14,808	-\$1,466	-11.0%
Partnership, Rebate, Exemption	\$ 0	\$1	-\$1	0.0%
Financial Expenditures	\$0	\$870	-\$870	0.0%
Total Expenses	\$65,422	\$68,503	-\$3,081	-4.7%
Taxation	-\$56,561	-\$57,436	\$875	1.5%
By-Law Charges & Sales	-\$14,319	-\$19,915	\$5,596	39.1%
Other Revenue	-\$6,330	-\$5,805	-\$525	-8.3%
Total Revenues	-\$77,210	-\$83,156	\$5,946	7.7%
Intercompany Charges	\$0	\$174	-\$174	0.0%
Total Intercompany Charges	\$0	\$174	-\$174	0.0%
Net Expenditure (Revenue) Before Transfers & Indirect Allocations	-\$11,788	-\$14,479	\$2,691	22.8%
Transfers From Funds	-\$179	-\$179	\$0	0.0%
Transfers To Funds	\$3,675	\$5,822	-\$2,147	-58.4%
Total Transfers	\$3,496	\$5,643	-\$2,147	-61.4%
Net Expenditure (Revenue) Before Indirect Allocations	-\$8,292	-\$8,836	\$544	6.6%
Indirect Allocations & Debt	\$8,292	\$6,749	\$1,542	18.6%
Total Indirect Allocations & Debt	\$8,292	\$6,749	\$1,542	18.6%
Net Expenditure (Revenue) After Transfers & Indirect Allocations	\$0	-\$2,087	\$2,087	0.0%



2024 Pressures and Opportunities

Item	\$	% increase
2023 Budget	\$56.56	
One-time Transfer - EFB	(1.51)	
2023 Net Base Budget	\$55.05	-
Pressures:	-	The Control of Control
Unsustainable Funding - PGT	0.30	0.5%
Transfer to Capital	0.15	0.3%
Net Fuel Related Costs	1.55	2.8%
WEGO Adjustment	1.37	2.5%
Labour Related	3.45	6.3%
Snow Removal	0.56	1.0%
Other Base pressures	0.28	0.5%
Opportunities:		0.0%
Net Fare Revenue	(3.36)	-6.1%
2024 Total Budget	\$59.35	7.8%



2024 Capital Budget and Forecast

Operating Expenditure	Gross 2024	Forecast 2025-2033	Total	Project Managed
Branding	0.79	4	0.79	NTC
Scheduling Software	1.00		1.00	NTC
Replacement of nineteen 40' Conventional Buses *	15.84	113.83	129.67	NTC
Refurbishment of 40' Conventional Buses	1.07		1.07	NTC
Replacement of Specialized / Para Transit Buses	2.00	6.85	8.85	NTC
Replacement of two 40' Conventional Buses *	1.67		1.67	NTC
Facility Review & Capital Inv't	_	3.35	3.35	NTC
On-Demand/Specialized Vehicles	_	7.93	7.93	NTC
Other Transit Capital	_	11.55	11.55	NTC
Growth - Fleet & Facility Expansion		39.02	39.02	NTC
24-NTC-Building Equip	0.25		0.25	Niagara Region Facilities
24-NTC StCath-Overhead Door	0.40	-	0.40	Niagara Region Facilities
Total GROSS CAPITAL	23.02	182.52	205.54	
Total External Funding (ICIP/PGT/DC's)	(20.92)	(169.20)	(190.12)	-
Net FUNDING (Reserves)	2.10	13.32	15.42	



NRT Reserve Summary

Reserve Description	Balance Before Recommended Transfer	Recommended Transfer	Balance After Recommended Transfer	Target Balance
Transit	\$0	\$2,087	\$2,087	\$8,037 - \$11,975
Stabilization				
Transit Capital	\$1,460*	\$0	\$1,460	TBD***
Transit Future Benefit	\$479**	\$0	\$479	\$1,015



2024 Full Time Equivalent Summary

Full Time Equivalents by Division	2024 Permanent	2023 Permanent	Variance
Corporate	3.0	2.0	1.0
Fleet & Facilities	69.0	62.9	6.1
Operations	327.3	324.3	3.0
Planning & Performance	30.0	30.0	<u> </u>
Total NTC FTEs	430.3	419.2	10.1
Shared Services	12.0	12.0	
TOTAL Permanent FTE	442.29	431.18	10.11

Full Time Equivalents by Division	2024 Temporary	2023 Temporary	Variance	
Planning & Performance	1.0	2.0	(1.0)	
Total NTC FTEs	1.0	2.0	(1.0)	
Shared Services	1.0	3.3	(2.3)	
TOTAL Temporary FTE	2.00	5.33	(3.33)	



Utility Sustainability Report – February 20, 2024 MCC Electrical

6M	2018 6M	2018 Year 1 (1)	2019 Year 2 (2)	2020 Year 3 (3)	2021 Year 4	2022 Year 5	2023 Year 6
Pro-forma 2018 (original budget)	\$71,000	\$141,983	\$146,242	\$150,630	\$155,149	\$159,603	
Draft Budget			\$542,140	\$400,000	\$350,000	\$350,000	\$350,000
Actual		\$260,776	\$313,160	\$347,584	\$353,361	\$335,670	\$350,765
Var. to Budget			\$227,980	\$52,416	(\$3,361)	\$14,330	(\$765)

USC Notes:

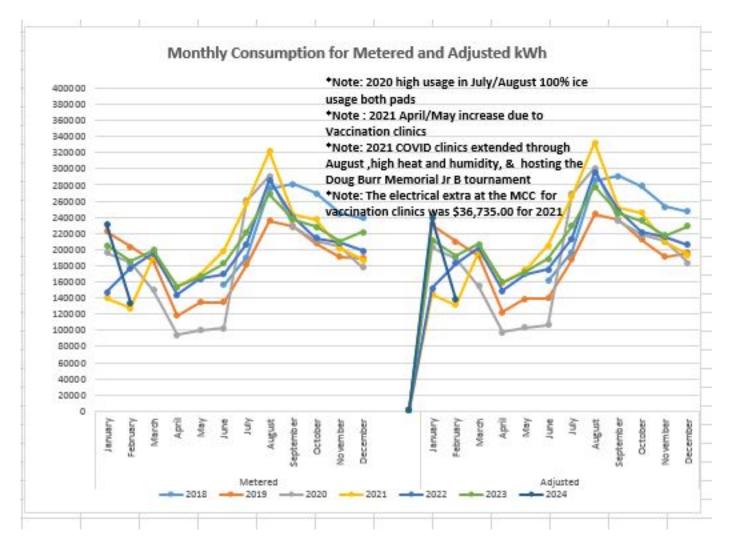
- (1) Build (Savings by Design) Report of October 24, 2016 on MCC, estimated an Electrical Budget of \$521,522/year required.
- (2) Negotiated New Rate Classification. Credited account for usage in 2018 and part of 2019 when new rate was established @ \$69,000 credit. Energy monitoring every 15 minutes/weekly graph analysis started.
- (3) Cold Water Flooding Started 2020. Estimated savings per year \$60,000.
- (4) Actual Electrical amount affected by COVID Vaccination Clinics at the MCC.

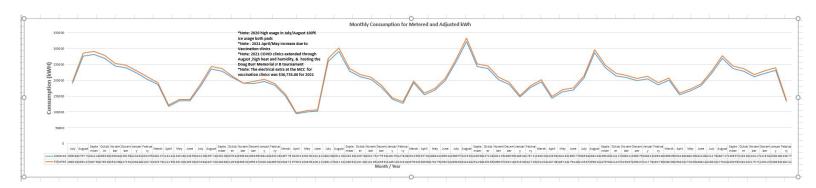
2021

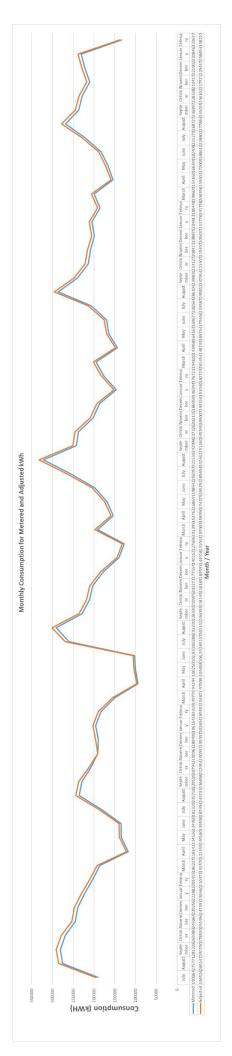
Town Hall energy project started funded by grant program. Installation of first phase schedule to be completed in 1st Quarter 2022. Estimated savings at Town Hall 25-30% annually.

2022/2023

Town Hall building addition 2,400 sq ft addition, BAS controlled all electrical HVAC system.









Community Planning and Development Department

Wednesday, March 06, 2024

Subject: Naming of Environmental Protection Block – Saffron Meadows Phase 3 (Phase 3) Subdivision

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-58 Naming of Environmental Protection Block – Saffron Meadows Phase 3 Subdivision, for information;

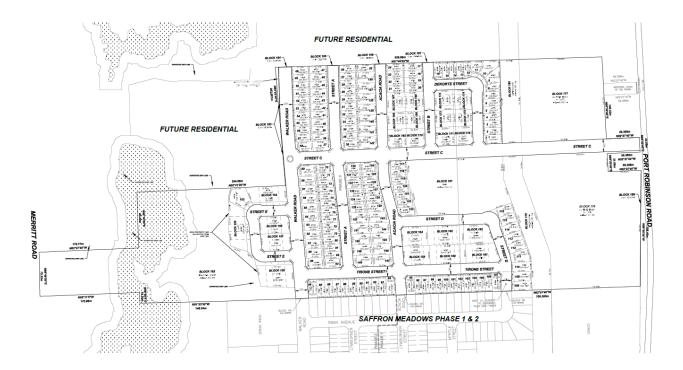
AND THAT Council approve the naming of Block 7 in Saffron Meadows Phase 3 (Phase 3) Subdivision to "The Daniel Tirone Forest";

AND THAT Council direct the Chief Administrative Officer to take all necessary steps to review the current 'Naming of Corporate Assets Policy' and make any appropriate recommendations for change in Q4, 2024.

Background:

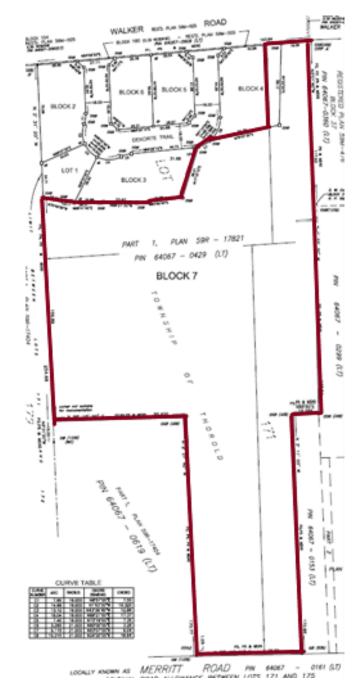
Council gave draft plan approval to the Saffron Meadows Phase 3 subdivision (Figure 1) in 2019. The Saffron Meadows Phase 3 subdivision is located between Port Robinson and Merritt Roads.

Figure 1: Saffron Meadows Phase 3 Draft Plan of Subdivision



Since that time, the subdivision has been given final approval in three phases. Final approval the third phase (Figure 2) was granted in February 2024.

Figure 2: Saffron Meadows Phase 3 (Phase 3) Subdivision



As part of the conditions of approval for the subdivision, the developer was required to transfer ownership of the southern portion of the property being 4.284ha of land (Block 7), containing the provincially significant wetland and the significant woodland to the Town for long-term environmental protection.

The Saffron Meadows Phase 3 subdivision lands were owned by the Tirone Family for four generations (since the 1930's) prior to being acquired by the developer (Hert Inc.). As part of the sale of the property, the Tirone Family requested that the Provincially Significant Wetland and Woodland be named "The Daniel Tirone Forest"

Analysis:

The Town's Naming of Corporate Assets Policy dated February 11, 2013, indicates that preference will be given to names that:

- Give a sense of place, continuity and belonging reflecting the geographic location, community, neighbourhoods or street where the corporate asset is located and/or
- Recognize the historical significance of the area and/or
- Reflect the unique characteristics of the site and/or
- Are in keeping with a selected theme and/or
- Honour individuals, living or deceased, who have made a significant contribution to the community

Further, the policy indicates that names of persons, organizations, corporations, foundations or their families will be considered when they have made significant contribution to the community by:

- Enhancing the quality of life and well-being of the town.
- Contributing to the historical or cultural preservation of the town.
- Contributing toward the acquisition, development of conveyance of land or building
- Achieving excellence in their endeavors and representing Pelham in a meritorious manner
- Where there is a direct relationship or association that exists between former place of residence of the person or group and the asset to be named
- Naming in honour of elected or appointed public offices, town administrative staff shall occur posthumously
- Where the name of an individual us recommended after an in camera discussion, consent shall be obtained from the individual or their next of kin prior to Council's consideration

In keeping with these preferences, Daniel Tirone was a previous owner, resident and farmer of the property. Therefore, the proposed name will contribute to sense of place and recognize the history of the property. Mr. Tirone's parents originally owned the property and raised 9 children (including Daniel) on site. Daniel Tirone was a steward of the woodland and wetland on the property, taking special care in his farming practice, to ensure they would be protected for future generations. The Tirone family consented to selling the property to the developer for the subdivision with the agreement that the wetland and woodland would be protected long-term. As a result, the quality of life and well-being of the town is enhanced and natural heritage is preserved for future generations. Mr. Tirone died in 1993. At that time, the property was passed down to his children and grandchildren.

The Naming of Corporate Assets Policy states that Names will not be chosen that:

- Cause confusion due to duplication or names sounding similar to existing locations within Pelham
- Are the names of tobacco companies

- Lend themselves to inappropriate short forms of modifications
- Are discriminatory or derogatory considering race, gender, creed, political affiliation or other similar factors.
- Recognize the birth, marriage or anniversary of specific individuals (this can be done through individual dedications of benches and trees through the Public Works Department

The proposed name does not pose any of the above concerns and meets the requirements of the Corporate Assets Policy. Therefore, it is recommended that the environmental protection (Block 7) in the Saffron Meadows Phase 3 (Phase 3) subdivision be named "The Daniel Tirone Forest".

Financial Considerations:

There are no financial impacts with respect to the naming of the environmental protection block. The developer has provided cash payment to the Town for supply and installation of the sign displaying the name.

Alternatives Reviewed:

No alternatives were reviewed as the name was requested by the Tirone Family through the developer.

Strategic Plan Relationship: Community Development and Growth

The East Fonthill Secondary Plan Area, which includes the Saffron Meadows Phase 3 subdivision lands, continues to develop at a rapid pace. The naming of the Environmental Protection block to recognize a former owner/resident of the property will provide a link between the past, present and future which contributes to sense of place and quality of life in the community.

Consultation:

The requested name was reviewed by the Senior Leadership Team and no objections or concerns were raised.

Other Pertinent Reports/Attachments:

n/a

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP Senior Planner

Barbara Wiens, MCIP, RPP Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA Chief Administrative Officer



Public Works Department

Wednesday, March 06, 2024

Subject: Pedestrian Handrail on Pelham Street at Regional Road 20

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-0057 Pedestrian Handrail on Pelham Street at Regional Road 20, for information;

AND THAT Council direct staff to move forward with the red circled project RD-14-24 'Pedestrian Railing on Hwy20';

AND THAT Council direct staff to utilize the Capital Roads Reserve to fund project RD-14-24 'Pedestrian Railing on Hwy20'.

Background:

The installation of a black metal fence, intended to be used as a pedestrian handrail was completed through the 2011 Pelham Street Reconstruction and Street Scaping Project for the safety of pedestrians traveling along the sidewalk on the northeast corner of Pelham Street and Regional Road 20.

The fence has deteriorated significantly over the last 12 years and has become an eyesore leading to several service calls and complaints regarding its condition.

The replacement of the fence was proposed in the 2024 capital roads budget as RD-14-24. The \$35,000 project was red-circled on condition of receiving a Public Realm Improvement Project (PRIP) Grant from the Regional Municipality of Niagara (RMON). This report serves to provide Council with an update on the PRIP grant application, a cost estimate for the replacement of the decorative fence, and staff's recommendation to bring the project forward in 2024.

Analysis:

As a result of the Pelham Street reconstruction project and street scaping, the existing black steel decorative fence was installed in 2011 to provide increased pedestrian safety due to the proximity and relative grade of the sidewalk, in relation to the traveled portion of Regional Road 20.

Given the fence's location along a major regional transportation corridor, it has been exposed to a large volume of salt spray from winter maintenance activities which has accelerated the deterioration of the fence.

The operation and maintenance of Regional Road 20 is under the jurisdictional responsibility of the Regional Municipality of Niagara, however the sidewalk and safety features related to the sidewalk, including the decorative fence fall under the ownership and responsibility of the Town of Pelham.

In 2023, staff applied to the Regional Municipality of Niagara's PRIP grant program for the replacement of the decorative fence along Regional Road 20. The application was not moved forward on the basis that the Region of Niagara was developing plans to reconstruct this section of Regional Road 20 in the future. This project would potentially include replacing the fence with a decorative buttress wall to enhance the aesthetic appeal of the intersection and provide greater pedestrian safety.

The Region has confirmed that the design portion of the Regional Road 20 improvement project will commence in 2024, with a projected schedule for construction set in 2027, pending future budget approval.

Given the condition of the existing fence, its intended function as a public safety device, and the Region of Niagara's timeline for construction, staff recommend that the fence be replaced immediately with a similar design and material as the existing fence, at an estimated cost ranging between \$10,000 and \$12,000 (plus applicable taxes).

Financial Considerations:

Should Council approve the red-circled project RD-14-24 going forward without receiving grant funding, the cost of the project will be taken from the Capital Roads Reserve. The Road Reserve has sufficient funds to cover the \$10,000 to \$12,000 (plus applicable taxes) required for the fence.

Alternatives Reviewed:

Staff investigated the possibility of replacing the heavily deteriorated posts and painting the remainder of the fence, however, the rust is pervasive, and the remaining powder coating is flaking off leaving too poor a surface for the paint to adhere.

Before learning the intention of the Region to reconstruct the intersection, staff had planned on replacing the fence with an engineered pedestrian hand railing, designed and constructed of a material able to stand up to heavy exposure to salt. The cost of this project was estimated at a cost ranging between \$25,000 and

\$35,000. Due to the Region of Niagara's project timeline, staff do not consider the extra expenditure at this time to be prudent.

Strategic Plan Relationship: Infrastructure Investment and Renewal

The decorative pedestrian handrail on the northeast corner of Pelham Street and Regional Road 20 has deteriorated beyond repair and requires immediate replacement.

Consultation:

The Town of Pelham Director of Corporate Services/Treasurer and the Region of Niagara Transportation Services Department were consulted in the preparation of this report.

Other Pertinent Reports/Attachments:

There are no pertinent reports or attachments related to this report.

Prepared and Recommended by:

Ryan Cook, Dipl.M.M., CRS Manager of Public Works

Jason Marr, P. Eng. Director of Public Works

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA Chief Administrative Officer



Public Works Department

Wednesday, March 06, 2024

Subject: Update on Centennial Park Washrooms Extras Update

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-0060 – Update on Extras for Project FAC 06-23 Centennial Park Washrooms Design and Construction, for information;

AND THAT Council Approve additional funding in the amount of \$56,000 to cover the extras for Project FAC 06-23 Centennial Park Washroom Design and Construction to be funded as follows: \$12,000 from reallocating funds in Project FAC-03-22 Model Railway Building Window Replacement and \$44,000 from the projected 2023 in-year surplus;

AND THAT Council direct staff to include a Facilities capital project for roof replacement for Centennial Park Concessions as part of the 2025 Capital Budget;

Background:

Council approved capital project FAC-06-23 Centennial Park Washroom Design and Construction as part of the 2023 Capital budget in the amount of \$185,000. The project was to be funded by a grant (\$150,000) and Facilities Reserve (\$35,000). At the time of 2023 capital budget approval, the Town had not received approval for the grant and therefore the project was red-circled (conditional) until the grant funding was confirmed.

Subsequent to 2023 budget approval, the Town was successful in receiving two grants for this project:

- 1. Ontario Trillium Foundation (OTF) \$150,000
- 2. Employment and Social Development of Canda (ESDC) \$100,000

The above grants were stackable, meaning they could both be applied towards the project, therefore the total funds available for this project were \$285,000.

The construction tender was published on September 18, 2023, and closed on October 11, 2023, with 15 plan takers but only one bid submission. The bid amount

was \$375,000 plus applicable taxes. Including the architect assignment cost of \$39,800, the estimated total project cost, including the non-recoverable portion of HST, reached \$422,542.

A memo from Corporate Services outlined the approved grants and highlighted the additional funding required by the Town for the project. On October 18, 2023, during its regular council meeting, Council approved awarding the project to Niacon Limited for \$375,000 plus applicable taxes.

While preparing for the new foundation, the contractor encountered poor soil conditions. The geotechnical engineer recommended revising the foundation design to ensure a suitable bearing for the new structure. These unforeseen issues, coupled with delays in construction commencement and a holiday shut-down, led to substantial project delays and additional costs.

Analysis:

Construction

Progress on the Centennial Park Washrooms continued steadily in February, with the contractor on track to finish by the end of March. However, significant delays and additional costs were incurred due to a delayed start and unforeseen geotechnical issues.

At the time of writing this report, the project has experienced approximately 13% in additional costs, totaling \$49,798.07. Geotechnical challenges led to a foundation redesign, incurring an extra cost of \$21,459.42. Other scope changes, including delayed start-up costs, cold weather concreting, grading revisions, contract acceleration, and updates to existing facilities, resulted in an additional \$17,623.10. Please refer to Appendix A to see a detailed breakdown of the change orders and additional cost to date.

The project's initial tender included a \$18,000.00 Cash Allowance/Contingency. Currently, \$6,689.01 has been claimed, leaving a remaining balance of \$11,310.99, which will cover any further materials needed to complete the project. For detailed breakdowns of change orders and additional costs, refer to Appendix A.

Architect/Engineering fees:

The design, contract document preparation, tendering of construction and contract administration for this project was awarded to Grugic Architects Inc. on May 18th, 2023, for \$39,900 Plus HST. The Town has paid \$35,920 to date, and the remaining balance of \$3,980 is expected to cover the remaining architect/engineering cost for this project.

Additional Request to Complete Repairs on the Entire Roof:

Recent concerns were brought up regarding the roofing component of the project, as the contract only requires the contractor to match the existing roof, leading to potential color mismatch due to age and wear. Staff requested a quote from the contractor to replace the entire roof with new asphalt shingles and this is estimated to cost \$16,000.00 to \$22,000.00 (plus HST), with a lifespan of approximately 25 years.

Additionally, staff explored metal roofing options with local contractors, and it is estimated cost of \$25,000.00 to \$30,000.00 (plus HST) with a lifespan of around 70 years. The current roof, originally scheduled for replacement in 2032, has 8-10 years of remaining life.

Staff have identified a grant opportunity from Niagara Community Initiatives Foundations, potentially covering 100% of the roof replacement cost with no matching funds required by the Town. A separate project could be proposed to Council in the 2025 budget for consideration.

Financial Considerations:

The Financial summary of the project is provided below:

Table 1: Project Budget & Cost Summary FAC 06-23 - Centennial Park Washroom Design and Construction

Current Council Approved Budget	\$ 422,542	Α
Less: Architect/Engineering Cost Construction Tender Additional Cost (Change Orders) Non-rebateable porition of HST Additional Contingency	\$ 39,800 \$ 375,000 \$ 49,798 \$ 8,177 \$ 5,000	
Total Project Cost	\$ 477,775	В
Budget Shortfal - (Rounded)	\$ (56,000)	C = (A-B)

As detailed in the analysis section of this report, the additional cost to complete this project, resulting from foundation redesign and other scope changes, is approximately \$49,798 (before HST). After factoring in the non-rebateable portion

of HST (1.76%) and an additional \$5,000 for contingency, the total additional funds required to complete this project amount to \$56,000 (rounded).

The source of the additional Funding would be as follows:

Table 2: Source of Additional Funds

FAC 06-23 - Centennial Park Washroom Design and Construction

Budget Shortfal - (Rounded)	\$ (56,000)	Α
Additional Funding Sources: FAC 03-22 Model Railway Building Exterior Window Replacement	\$ 12,000	
2023 In-year operating surplus Total Additional Funds	\$ 56,000	В
Net	\$ -	C = (A-B)

Funds from project FAC 03-22 Model Railway Building Exterior Window replacement can be reallocated because the Town is currently searching for a grant to address windows and other needs of this historical building. The 2023 in-year operating surplus is projected to have sufficient funds to cover the remaining \$44,000 funds that are required to complete this project.

If the Town decides to replace the entire roof with asphalt singles as part of this project, this will add up to \$22,500 (inclusive of non-rebateable HST) to the total cost of this project. This will be in addition to the \$56,000 budget shortfall as outlined above.

Staff have received quotes from independent contractors in the amount of approximately \$30,000 (plus HST) to install a metal roof which has a greater useful life (70 years). Furthermore, staff have identified grant opportunities that align to the roof replacement project. If successful, the Town can recover 100% of the cost of replacing the exiting roof with a metal roof from the grant. As a result of this opportunity, staff recommend that a separate roof replacement project should be considered as part of the 2025 capital budget.

Alternatives Reviewed:

Council could consider instructing staff to include the complete asphalt shingle replacement within the ongoing project, requiring an additional \$22,500 on top of the \$56,000 outlined in the report. However, staff does not endorse this option, given that the current asphalt shingles haven't reached the end of their useful life. Furthermore, there are available grant opportunities to replace the entire roof with

a new metal roof, potentially offering cost savings to the Town and extending the overall lifespan of the roof structure.

Strategic Plan Relationship: Infrastructure Investment and Renewal

The addition will provide permanent public washrooms, an indoor community event space, and a storage room, which will greatly improve the community events at Centennial Park.

Consultation:

Consultation was undertaken with Grguric Architects Inc., Soil-Mat Engineers & Consultants Inc., Doytch & Filo Engineering Inc., the Manager of Public Works, and the Treasurer/Director of Corporate Services in the preparation of this report.

Other Pertinent Reports/Attachments:

Appendix A – Change Order Summary List

Single Source for Architect for Centennial Park Accessible Universal Washroom Addition, 2023-0084-Corporate Services

FAC 06-23 Centennial Park- Accessible Universal Washroom Addition to Concession with Additional Budget Request of \$137,500, Memo, October 18, 2023

2024-0027- Update of the Centennial Park Washroom Construction

2024-0042 - Centennial Washroom Construction Update 2

Prepared and Recommended by:

Jason Marr, P. Eng. Director of Public Works

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA Chief Administrative Officer

10.	DATE CCO	DATE CO	CCO UNDER REVIEW	CO PENDING	CO APP'D	Contractor PROP. #	M & E & S REFER#	A/ E/ L	DESCRIPTION	INITIATED BY
1		Nov 23/23	1.20120	, and the	1,606.00	pcco#2		А	Cost for pouring concrete after Nov 1st due to delayed start waiting for Permit	Site conndition
2	Dec 6/23	Jan 23/24			12,705.55	pcco#5	CD-1	S	Revise foundations for addition as per attached revised marked up Dwgs Delete previous foundation wall and spread footing.	Site conditions
3	Dec 6/23	Feb 21/24		9,988.00		pcco#13		A	Delete 'existing to remain' flooring at (Room No. 4 – Ex. Men's Washroom and Room No. 5 - Ex. Women's Washroom). Install new Epoxy flooring to match specifications of (Room No. 6 new UWR).	
4	Dec 14/23			5,000.00				А	Delete 5/8" exterior grade gyp. brd. at ceiling of UWR. Specified ½" plywood to remain. To match existing WR ceilings.	Per review
5		Jan 11/24			1,226.50	pcco#3			Niacon premature mobilization costs	Owner
6		Jan 17/24			2,453.00	pcco#8		С	Cost of additional excavation due to poor soil bearing capacity observed by Soil-Mat starting Nov 27/23	Site conditions
7		Jan 17/24			941.60	pcco#9	RFI#14	s	Cost to raise concrete pad forms to adjust slope from the instructed design in RFI#14	Site conditions
8		Jan 17/24			1,408.00	pcco#10			Costs for second framing mobilization	Owner
9		Feb 22/24		19,469.42		pcco#11	CD-1	S	January 2024 costs for foundation redesign	Site conditions
	Subtota	al		29,457.42	20,340.65			-		
Pendi	ng and Appro	ved CO's			49,798.07					
CD-1	Dec 7/23	signed	CO- 02 \$12,705.55						Revise foundations for addition as per attached revised marked up Dwgs Delete previous pread footing.	s foundation wall and
Cash	Allowance		\$18,000							d
I. Tes	ting & Inspec	tions							Section 01020 - soil bearing, compaction of backfill around foundation walls and below SOG,, compaction of sub-bas for asphalt areas, reinforcing inspections,	
S	oil-Mat Invoice	2311086 plus	Niacon	\$1,960.00	CAE-02	pcco#7	Draw 2		I&T by Soil-Mat Invoice 2311086 Nov 30/23 for \$1,680 plus Niacon \$280	
S	oil-Mat Invoice	2311115 plus	Niacon	\$764.38	CAE-03	рсссо#6	Draw 2		I&T (footing bed evaluation) by Soil-Mat Invoice 2311115 Nov 30/23 for \$484.38 plus Niacon \$280	
S	oil-Mat Invoice	2312160 plus	Niacon	\$1,737.63	CAE-04 to sign	pcco#14R	Draw 3		I&T (Dec footing bed evaluation) by Soil-Mat Invoice 2312160 Dec 31/23 for \$1,457.63 plus Niacon \$280	
2.Har	rdware, supply \$2,227.00 CAE-01		CAE-01	pcco#1R			Hardware supply quotes dated Dec 12/23 by NABCO \$1,306.89 plus HST for door operator, strike and Regional \$640 for finish hardware plus Niacon \$280.			
N	ABCO Invoice									
R	egional Invoice	е								
3. Sec	curity Camera	s / Data IT								
	CA	AE expenditure	es sub-total	\$6,689.01						
		CAE applied	I on Draws	\$4,462.01						
			ices amount		\$11,310.99	 	+	+		

Grguric Architects Incorporated

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Chief Administrative Officer

Wednesday, March 06, 2024

Subject: Council Meeting Location

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-0059 - Council Meeting Location, for information;

AND FURTHER be it resolved that Council continue its regular meetings in Council Chambers at Pelham Town Hall.

Background:

For approximately six months in 2023, Council conducted its meetings in the Accursi Room of the MCC. This was done as a Covid-19 pandemic protocol because the MCC has excellent accessibility, excellent air flow and a larger seating capacity so as to allow for better social-distancing. For the past six months, Council has been meeting in Council Chambers at Town Hall.

The CAO provided an undertaking to report back to Council on the staff and administrative perspective of how well each space functioned as a Council chamber and to make recommendations. This report is written in satisfaction of said undertaking.

Analysis:

The Accursi Room is entirely functional for Council or other types of public meetings. It was not purpose built, and as such has required the installation of broadcasting equipment and other technology, which was completed in 2023. The stage upon which Council tables were arranged provided for good visibility to the viewing public, but also made it difficult for Council members to look at each other when in dialogue or debate. Depending upon which of the two room configurations is utilized, the Accursi Room can hold hundreds of people and is the largest public or private meeting space in the Town.

By way of contrast, Council Chambers in Town Hall are purpose built, have excellent sight lines for elected officials and good sight lines for members of the viewing public and is well served by viewing screens and recording devices. Council Chambers are small and allow for only about twenty members of the viewing public

to physically attend at any point in time, and there is also a deficiency of adequate space for all senior staff to attend meetings. This is accommodated by having select staff watch the meetings electronically from their offices and then either participate electronically or attend and speak at the podium when appropriate to do so. This is entirely viable from an ongoing, operations perspective.

The Accursi Room has served admirably well for both public meetings and for Council meetings, but is widely regarded as being the second best choice. The Town is fortunate to have a back-up/alternative location for meetings, should such be necessary.

Financial Considerations:

At present, there are no associated financial considerations with the decision to continue holding Council meetings at Town Hall. Any costs associated with a potential future renovation of facilities will be addressed at the appropriate time.

Alternatives Reviewed:

Council has three fundamental choices in how it conducts meetings: electronically, physically or in a hybrid format. The Town has successfully utilized the hybrid model since 2020 to favourable results. With respect to the physical component of meetings, the only two viable locations are the Accursi Room at the MCC and Council Chambers. Should Council wish to make any changes to the status quo, the best path forward would be by way of Notice of Motion so as to allow both staff and the community time to respond to any potential change.

Strategic Plan Relationship: Enhancing Capacity and Future Readiness

Future growth of the municipality, and thereby of municipal staff, will require a reconsideration of space utilization, but likely not for a decade or so. In the interim, the municipality will have other options to accommodate space demands with the anticipated construction of a new fire station and potential upgrade to public works facilities. Council chambers can theoretically be repurposed into more office and meeting spaces should demand for same exceed the value of holding meetings in Council Chambers. At present, the status quo is the best and most cost-effective option for the municipality.

Consultation:

Informal, individual feedback has been received from most elected officials. All senior staff have provided their personal preferences and opinions.

Other Pertinent Reports/Attachments:

None.

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA Chief Administrative Officer



The Corporation of the Town of Pelham

By-law No. 13-2024

Being a By-law to amend Zoning By-law 4481(2022), as amended, to Regulate the Use of Land, Buildings and Structures within the Town (Zoning By-law) to Update Provisions based on an Administrative Review (Housekeeping Amendments).

File No. AM-08-2023

WHEREAS Council passed By-law 4481(2022) on August 30th, 2022 to regulate the use of land, buildings and structures within the Town of Pelham;

AND WHEREAS Council deems it necessary to amend By-law 4484(2022), to update sections of the Zoning By-law through a housekeeping amendment with respect to several minor corrections and administrative changes for clarification;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

- **1. THAT** Town of Pelham Zoning By-law 4481(2022), as amended, is hereby further amended as follows:
 - A. Amend Part 2: Definitions of By-law 4481(2022) as follows:
 - a) The following new definitions be inserted alphabetically as follows:
 - i. **ENVIRONMENTAL IMPACT STUDY** means a science-based study of ecological features and functions, and impacts to those features and functions resulting from development and/or site alteration, prepared in accordance with the Region of Niagara's environmental impact study guidelines.
 - ii. **FARM** means land used for agricultural uses and includes a farm dwelling and accessory buildings, which may include accommodation for full time or seasonal farm workers.
 - b) Delete and Replace the following definitions:
 - i. Dwelling, Boarding House definition be deleted and replaced with the following new definition:

DWELLING, LODGING HOUSE means a building or any portion of a building in which lodgers, in exchange for periodic payments to a Licensee, are provided with accommodation in private rooms and with access to common areas, and are not provided with sanitary facilities or food preparation facilities for the exclusive use of individual lodgers, and in which lodgers may or may not be provided with meals, but does not include a hotel,

tourist establishment or short-term rental unit, a hospital or any provincially-regulated long-term care home, retirement home, nursing home, group home or similar facility.

ii. Greenhouse definition be deleted and replaced with the following new definition:

GREENHOUSE, COMMERCIAL means the use of a building or structure of the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables, and other type of nursery stock. Such use may include the wholesale or retail sale of greenhouse products customarily, incidental, subordinate and exclusively devoted to the principal use, located on the same lot therein. A retail use accessory to a greenhouse shall have a maximum retail floor area of 200 square metres.

iii. Height definition be deleted and replaced with the following new definition:

HEIGHT means the vertical distance measured from the average finished grade level to the highest point of the roof surface.

iv. Landmark Site definition be deleted and replaced with the following new definition:

LANDMARK SITE means a site which is conspicuous and which has the potential to be easily seen and/or recognized from a distance, acting as an identifier or wayfinding tool for a community being located at the terminus of a street, on public spaces or located on a corner. Development on landmark sites is generally expected to be iconic and raise the profile of the location.

v. Livestock definition be deleted and replaced with the following new definition:

LIVESTOCK means farm animals and/or fowl raised, housed or kept for propagation or use for commercial purposes, including action or intended profit or gain and, without limiting the generality of the foregoing, includes: dairy and beef cattle, horses, swine, sheep, laying hens, chickens, turkey broilers, turkeys, goats, geese, mink and rabbits but does not include animals kept as pets or animals raised, housed or kept for recreational or hobby purposes.

vi. Long Term Bicycle definition be deleted and replaced with the following new definition:

LONG TERM BICYCLE means an indoor space to park and secure a bicycle in an enclosed, secured area with controlled access where a bicycle in intended to be parked for long periods of time and can include a storage locker.

vii. Lot Line, Exterior definition be deleted and replaced with the following new definition:

LOT LINE, CORNER means a side lot line that is also a streetline, regardless of whether or not such streets have a 0.3 metre reserve.

viii Outside Storage definition be deleted and replaced with the following new definition:

OUTSIDE STORAGE means the placing or locating in the open air and/or in partially closed buildings or structures of any goods, materials, parts, merchandise or equipment of any kind but does not include operative vehicles licensed or capable of being licensed to be operated on a highway at any time, or motorized construction vehicles, agricultural or parks vehicles, commercial vehicles, boats or recreational vehicles whether or not operative or capable of being licensed.

ix. Sign definition be deleted and replaced with the following new definition:

SIGN means any device, object or thing which directs attention to an which is designed to convey a message and that is placed for the purpose of advertising goods and services offered, identifying a business or enterprise or for conveying any other type of message and, without limiting the generality of the foregoing, this definition includes but is not limited to, the types of signs defined in the Town of Pelham Sign By-law, 2020, as amended from time to time.

- c) Delete the following definitions in their entirety:
- i. Motel; and
- ii. Yard, Exterior Side
- B. Amend Part 3: General Provisions of By-law 4481(2022) as follows:
- a) Section 3.5 Daylighting Triangles be deleted and replaced with the following:

3.5 DAYLIGHTING TRIANGLES

Within the Daylighting Triangle, no sign, fence, landscaping, building or structure shall be greater than 0.5 metres in height above the elevation of the ground at the lot line. There shall be no additional building setbacks offset from a daylight triangle. Measurements for daylighting triangles shall be in accordance with the Town's Engineering Standards.

- b) Section 3.12 Height Exemptions is amended by adding the following exemption:
 - o) A Parapet
- c) Sections 3.13.1 (c) and (e) be deleted and the following text be inserted:
 - c) The use is entirely restricted to the dwelling unit and shall not be conducted in whole or in part in any accessory building, yard or private garage, except for private home daycare;
 - e) The maximum gross floor area dedicated to the home occupation shall be the lessor of 50m² or 25% of the gross

floor area of the dwelling, except for a private home daycare;

d) New Section 3.22 Outside Storage be inserted and all subsequent sections be renumbered accordingly, and the following text be inserted:

3.22 OUTSIDE STORAGE

Where open/outside storage is permitted, the following regulations shall apply:

- Open/outside storage shall only be permitted in a rear yard; and
- b) Where an open/outside storage area is visible from any street, any abutting lot and/or park, the open/outside storage area shall be screened by a visual screen containing a solid fence or wall not less than 2.0m in height.
- e) Section 3.24: Prohibited Uses is renumbered, and new subsection (j) is inserted and the following text be inserted:

Section 3.25: PROHIBITED USES

- j) The keeping or raising of any bull, ox, cow, sheep, horse, goat, pig or other cattle, any poultry, or any reptile or wild animal including any tamed or domesticated wild animal on any residential lot or in any building or structure on such lot, or in any building or structure in a Residential or Residential Development Zone.
- f) Section 3.28.3: Specialty Agricultural Zone is renumbered, and subsection (x) amended to insert "and the lot coverage requirements of Section 5.1.4 and 5.2.4 shall apply" after "zoning by-law".
- g) Section 3.31.1: Setback from Environmental Protection One Zone and Environmental Protection Two Zone is renumbered, and subsections (a), (b) and (c) are deleted and the following text be inserted:
 - a) Notwithstanding any other provisions of this By-law the following setbacks shall apply to lands zoned Environmental Protection One (EP1) Zone and Environmental Protection Two (EP2) Zone:

Natural Heritage Feature	Building
	Setback
Provincially Significant Life Science Area of Natural	50m
and Scientific Interest	
Provincially Significant Wetland	120m
Habitat of Threatened and Endangered Species	50m
Environmental Conservation Area	50m
Type 1 – Critical Fish Habitat	30m
Type 2 or 3 – Critical Fish Habitat	15m
Regulated Floodplain	0m
Significant Woodlands	50m

- b) The setbacks noted in Section 3.33.1 a) may be modified without an amendment to the Zoning By-law through the approval of an Environmental Impact Study, approved by the appropriate regulatory authority and the execution of a written agreement to be registered on title requiring the owner to implement all recommendations of the approved Environmental Impact Study.
- c) The setbacks noted in Section 3.33.1 a) do not apply to lands located in Fenwick and Fonthill, as illustrated on Schedules B and C. In these areas, the setbacks will be established through the findings of an Environmental Impact Study.
- g) Section 3.31.1: Setback from Environmental Protection Three Zone is renumbered, and subsections (b) is deleted and the following text be inserted:
 - b) The setbacks noted in Section 3.33.2 a) may be modified without an amendment to the Zoning By-law through the approval of an Environmental Impact Study, approved by the appropriate regulatory authority and the execution of a written agreement to be registered on title requiring the owner to implement all recommendations of the approved Environmental Impact Study.
- h) Section 3.31.4: Greenbelt Natural Heritage System is renumbered and subsection (a) is amended to add ", except for Single Detached Dwellings;" after "the Town's Official Plan".
- i) Section 3.32: Storage of Recreational Vehicles, Trailers and Boats is renumbered, and subsection (c) is inserted and the following text is inserted:
 - c) The storage of such vehicles is not for the exchange, payment or remuneration of any kind, financial or otherwise.
- C. Amend Section 4: Parking and Loading Requirements of By-law 4481(2022) as follows:
- a) Section 4.1 (a) Parking for Retail, Place of Entertainment and Restaurant 3.25 spaces per 100m² GLFA is amended by adding "***" after GLFA
 - ***Not applicable to temporary outdoor patios
- b) Section 4.1 (a) Parking for Greenhouse and Hoop House Use be amended to 1 space per 2000m² GFA.
- c) Section 4.1 (a) Parking for Agricultural Uses be amended by adding the following: "All other agricultural uses are exempt from the parking requirements of this Section".
- d) Section 4.1.4.1: Parking Space Dimensions and Requirements (a) and (b) be deleted and insert the following new text:
 - a) The minimum dimensions of a parking space shall be 2.6m by 5.8 with a minimum vertical clearance of 2.0m;

- b) The minimum dimensions of a tandem parking space shall be 2.6m by 6.0m with a minimum vertical clearance of 2.0m; and
- e) Section 4.3.1 (a) Bicycle Parking Requirements for Apartment Dwellings be amended as follows:
 - Short-term Bicycle Parking Space Requirements: Minimum of 6 spaces
 - Long-term Bicycle Parking Space Requirements: 0.25 spaces per unit
- f) Section 4.3.2 (e) be amended to delete "on the ground floor".
- D. Amend Section 5: Rural/Agricultural Zones of By-law 4481(2022) as follows:
- a) Section 5.1.3.1 (a) is deleted in its entirety and the remainder of section 5.1.3.1 be renumbered accordingly.
- b) The word "Commercial" is inserted before the word "Greenhouse" in Section 5.1.6: Zone Requirements for a Greenhouse and Hoop House.
- c) Section 5.2.3.1 (a) is deleted in its entirety and the remainder of section 5.2.3.1 be renumbered accordingly.
- d) The word "Commercial" is inserted before the word "Greenhouse" in Section 5.2.6: Zone Requirements for a Greenhouse and Hoop House.
- E. Amend Section 6: Residential Zones of By-law 4481(2022) as follows:
- a) Insert "Bed and Breakfast" as a permitted use in a Single Detached Dwelling in the Residential Second Density (R2) Zone.
- b) Amend Section 6.5.2: Zone Requirements Landscape Strip Requirement from the existing 1.5m to 2.4m where the boundary of a RM2 Zone abuts a R1, R2 or R3 Zone.
- F. Amend Section 8: Commercial Zones of By-law 4481(2022) as follows:
- a) Insert "Service Shop" as a permitted use in the Village Commercial (VC), Main Street (MS), and Town Square (TS) Zones.
- b) Insert "Vehicle Service and Repair Establishment" as a permitted use in the Downtown Corridor (DC) Zone.
- c) Insert "Second Dwelling Units" as a permitted use in the Village Commercial (VC) and Main Street (MS) Zones.

Village Commercial Zone

d) Insert new Section 8.1.3: Zone Requirements for Second Dwelling Units within an Existing Single Detached Dwelling and renumber the remaining sections accordingly and insert the following new text:

Please refer to Section 3.29.1.

- e) Amend Section 8.1.4: Building Height to permit a maximum of 9.0m or 2 storeys.
- f) Section 8.1.4: Landmark Sites be deleted and insert the following new text:

Landmark Sites: The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 16.0m or 4 storeys. There shall be a minimum step back of 2.0m on the 3rd and 4th storey.

Main Street Zone

g) Insert new Section 8.2.3: Zone Requirements for Second Dwelling Units within an Existing Single Detached Dwelling and renumber the remaining sections accordingly and insert the following new text:

Please refer to Section 3.29.1.

- h) Amend Section 8.2.4: Building Height to permit a minimum of 9.0m or 2 storeys and a maximum of 13.0m or 3 storeys, whichever is less.
- i) Amend Section 8.2.4: First Floor Height to permit a minimum first floor height of 3.0m.
- i) Section 8.2.4: Landmark Sites be deleted and insert the following new text:

Landmark Sites: The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 16.0m or 4 storeys. There shall be a minimum step back of 2.0m on the 3rd and 4th storey.

Town Square Zone

- j) Amend Section 8.3.3: Building Height to permit a minimum building height of 13.0m or 3 storeys and a maximum building height of 20.5m or 5 storeys, whichever is less.
- k) Section 8.3.3: Landmark Sites be deleted and insert the following new text:

Landmark Sites: The minimum height for Landmark Sites shall be 14.5 or 3 storeys, whichever is greater and the maximum height shall be the lesser of 20.5m or 5 storeys. There shall be a minimum step back of 2.0m on the 4th storey.

Downtown Corridor Zone

- I) Section 8.4.3: Building Height is amended to permit a minimum of 10.0m or 2 storeys and a maximum building height of 20.5m or 5 storeys, whichever is less.
- m) Section 8.4.3: Landmark Sites be deleted and insert the following new text:

Landmark Sites: The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 23.75m or 6 storeys. There shall be a minimum step back of 2.0m on the 4th storey.

Neighbourhood Commercial

- n) Section 8.5.3: Building Height is amended to permit a maximum building height of 10.0m.
- G. Amend Section 9: Other Zones of By-law 4481(2022) as follows:
- a) Delete the following uses from the Environmental Protection Two (EP2) Zone and renumber accordingly:
 - Agricultural Uses;
 - Home Industry;
 - Home Occupation;
 - Secondary Dwelling Units;
 - Single Detached Dwelling; and
 - Uses, buildings and structures accessory to the foregoing uses.
- b) Insert "Agricultural" between "Existing" and Uses" in the Permitted Uses of the Environmental Protection Two (EP2) Zone.
- c) Delete the following uses from the Environmental Protection Three (EP3) Zone and renumber accordingly:
 - Agricultural Uses;
 - Secondary Dwelling Units;
 - Single Detached Dwelling; and
 - Uses, buildings and structures accessory to the foregoing uses.
- d) Insert "(that were in existence prior to December 16, 2004)" after "Existing Uses" in the Environmental Protection Three (EP3) Zone.
- e) Amend Section 9.2.3: Zone Requirements for an Apartment Dwelling as follows:
 - Minimum Lot Area: 150m² per unit or 0.2ha, whichever is greater
 - Minimum Side Yard: 7.5m or ½ the height of the building, whichever is less
 - Maximum Lot Coverage: 40%
- H. Amend Section 10: Exceptions of By-law 4481(2022) as follows:
- a) RM1-88: 1120 Haist Street (a) "with a shared masonry wall" shall be deleted.
- b) RM1-88: 1120 Haist Street (d) "have a shared masonry wall on one side and" shall be deleted.
- c) Insert A-152 and insert the following text:

A152: 364 Foss Road formerly A-52

In addition to the uses in the Agricultural (A) Zone, this land may also be used for a sod and fertilizer retail outlet, farm supply and service establishment and accessory office uses.

d) Insert R1-153(H) and insert the following text:

A-153(H): Oakhaven Estates Subdivision *formerly RV1-233(H)

Notwithstanding the regulations of the Residential One R1 Zone, these lands may only be used for single detached dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:

Minimum Lot Frontage	Interior Lot: 14.0m Corner Lot: 18.0m		
Minimum Lot Area	490m ²		
Maximum Lot Coverage	35%		
Minimum Front Yard	6.0m		
Minimum Interior Side Yard	1.5m		
Minimum Exterior Side Yard	4.5m to front face or 8.0m to garage		
Minimum Rear Yard	7.5m		
Maximum Building Height	10.5m		
Minimum Ground Floor Area	One Storey: 93m ² Two Storey: 56m ²		
Garage projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling			

e) Insert RM1-154 and insert the following text:

RM1-154: Oak Haven Estates Subdivision *formerly RMV1-235

Notwithstanding the regulations of the Residential Multiple One RM1 Zone, these lands may only be used for street townhouse dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:

Minimum Lot Frontage	7.0m per dwelling unit
Minimum Lot Area	240 m2 per dwelling unit
Minimum Front Yard	6.0m to front face or 8.0m to garage
Minimum Interior Side Yard	1.5m
Minimum Rear Yard	7.5m
Maximum Building Height	10.5m
Minimum Ground Floor Area	One Storey: 75m2

	Two Storey: 45m2		
Garage Projection shall be permitted a maximum of 1.0m			
beyond the mail wall of the front of the	dwelling		

f) Insert RM1-155 and insert the following text:

RM1-155: Oak Haven Estates Subdivision *formerly RMV1-236

Notwithstanding the regulations of the Residential Multiple One RM1 Zone, these lands may only be used for block townhouse dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:

Minimum Lot Frontage	25.0m
Maximum Number of Dwelling Units	36
Minimum Setback from a Public Road	7.5m
Minimum Setback from the Open Space Zone	1.5m
Minimum Setback from the R1-153 and RM1-154 Zones	8.0m
Minimum Setback from the RM1-29 Zone	4.0m
Minimum Internal Roadway Width	6.0m
Minimum Setback from Internal Road	4.0m to front face or 6.0m to garage
Minimum Setback between Side of Unit and Internal Road	2.0m
Maximum Building Height	10.5m
Minimum Ground Floor Area for a Dwelling	One Storey: 75m2 Two Storey: 45m2
Minimum Landscape Area	30%
Garage Projection shall be permitted a rebeyond the mail wall of the front of the	

- **2. THAT** all other provisions of Zoning By-law 4481(2022) shall continue to apply.
- **3. THAT** this By-law shall come into force and take effect on the date of final passing by the Council of the Corporation of the Town of Pelham, subject to the provisions of the *Planning Act, R.S.O., 1990*, as amended.

Read, enacted, signed and sealed on this 6th day of March, 2024.

	Marvin Junkin, Mayor
Willia	am Tigert, Town Clerk
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The Corporation of the Town of Pelham

By-law No. 14-2024

Being a By-law to amend By-law No. 71-2023 to establish 2024 Fees and Charges to be collected by the Corporation of the Town of Pelham;

And to add and amend Fees and Charges to the Recreation, Culture, and Wellness Schedule.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001"* or "the statute") provides that a municipality may pass by-laws imposing fees or charges on any class of persons; and

AND WHEREAS By-law No. 71-2023 establishes the 2024 Fees and Charges to be collected by the Corporation of the Town of Pelham;

AND WHEREAS the Corporation of the Town of Pelham deems it expedient to amend and add Fees and Charges as necessary;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. THAT the Recreation, Culture, and Wellness Schedule to By-law no. 71-2023 be amended as follows, detailed in the attached schedule and as below listed:

Centennial Park Tennis and Pickle Ball Courts

Add – Key Fob Deposit Fee - \$50.00 (return upon the return of Fob) Eliminate – Senior Membership Fee - \$50.00

Summer Ice Season Dates

Amend - April 1 - August 1

2. Effective Date

2.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed, and sealed this 06th day of March, 2024.

	Marvin Junkin, Mayor
,	William Tigert, Town Clerk

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Fees & Charges | 2024



Recreation & Cultural Services

	2024
Arena Rentals	
Ice Time – per hour (50min)	
Prime Time - Weekdays 4pm - midnight & weekends	\$221.00
Prime Time - Youth	\$159.00
Non-Prime Time – Weekdays prior to 4pm	Y \$94.00/A
Prime Time Last Minute Ice (less than 24hrs notice)	Y \$77.00/A
Trainers Rate – 5 max	\$64.00
Summer Ice (April 1 – August 1)	
Non-Prime Time	\$122.00
Prime Time - Youth	\$159.00
Prime Time – Adul	\$203.00
Corporate Sponsor Free Skate Rates	
Prime Time Saturday Skate Sponsorship per occurrence	\$278.00
Prime Time Sunday Skate Sponsorship per occurrence	\$324.00
Non-Prime Public Skate Sponsorship per occurrence	\$159.00
Public Skating	
Adults	\$3.54
Students	\$3.10
Child	\$3.10
Family (up to 5 members)	\$10.62
Preschool Skate	\$3.10
Non-Profit Organized Group Rate	\$26.55



Fees & Charges | 2024



Recreation & Cultural Services

		2024
Park Pavilions: Centennial Park & Harold Black Park and MSS	P Par	k Pavilion
Park Pavilion		\$37.00
Passive Areas: Centennial Park & Harold Black Park & MSSP		
Permit Fee + Insurance		\$32.00
Peace Park including Bandshell		
Pavilion Rate + Passive Area Rate (under 100 people)		\$71.00
Pavilion Rate + Passive Area Rate (over 100 people)		\$143.00
Per Hour Rate		\$16.50
SOCAN fee	Ful	l Cost Recovery
Town Staff fee (per hour)		\$40.00
Hydro Fee for One Time Events		\$46.00
Centennial Park Tennis and Pickle Ball Courts		
Family Membership		\$150.00
Single Adult Membership		\$100.00
Single Student		\$50.00
Children (12 years and under)		Free
Outdoor Court Instructor Rental – per court/per day (up to 3 hrs)		20.00
Key Fob Deposit Fee (deposit returned upon return of Fob)		\$50.00
Lesson Fees will be determined based on competitive rates		
Storage Space Per Year		
Youth Organization Storage		\$500.00
Centennial/ H.B. Park		\$50.00





The Corporation of the Town of Pelham

By-law No. 15-2024

Being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 1389 Effingham Street, legally described as Part of Lot 5, Concession 8, Town of Pelham, Regional Municipality of Niagara, from the Specialty Agricultural (SA) and Environmental Protection One (EP1) zones to the site-specific Specialty Agricultural-156 (SA-156) and Environmental Protection One (EP1) zones.

File No. AM-05-2023

WHEREAS Section 34 of the *Planning Act*, RSO 1990, c. P. 13, as amended provides that the governing body of a municipal corporation may pass bylaws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Corporation of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it to be in the public interest that such a by-law be enacted;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

- **1. THAT** Schedule 'B' to Zoning By-law 4481(2022) as amended, is hereby further amended by rezoning the lands identified on Schedule 'A' attached hereto and forming part of this By-law from the from the Specialty Agricultural (SA) and Environmental Protection One (EP1) zones to the site-specific Specialty Agricultural-156 (SA-156) and Environmental Protection 1 (EP1) zones.
- 2. **THAT** Section 10 of Zoning By-law 4481(2022) as amended, is hereby amended by adding the following:

Specialty Agricultural-156 (SA-156)

Notwithstanding Sections 3.2.1 Agricultural Related Uses, 3.2.2 On-Farm Diversified Uses and Section 5.2.5 Specialty Agricultural Zone, the following site-specific provisions apply:

Section 3.2.1 Agricultural Related Uses

- a) The use shall be conducted entirely within a detached accessory building in conjunction with an operational farm with the exception of a 467 m² outdoor tasting/hospitality area including pizza oven;
- b) Only two agricultural related uses are permitted on one lot;
- c) Ancillary retail/commercial sales and service activities shall be limited to the lessor of 100 m^2 (20 m^2 for retail and 80 m^2 for hospitality/tasting area) of the gross floor area of the building;

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h) The maximum combined total floor area of the building utilized for the agriculture related uses shall be 520 m²;

Section 3.2.2 On-Farm Diversified Uses

(g) The total gross floor area that is permanently, temporarily or seasonally devoted to on-farm diversified uses shall not exceed 520m² including the gross floor areas used within all main buildings or structures, and accessory buildings or structures on the lot;

Section 5.2.5 of the Specialty Agricultural Zone

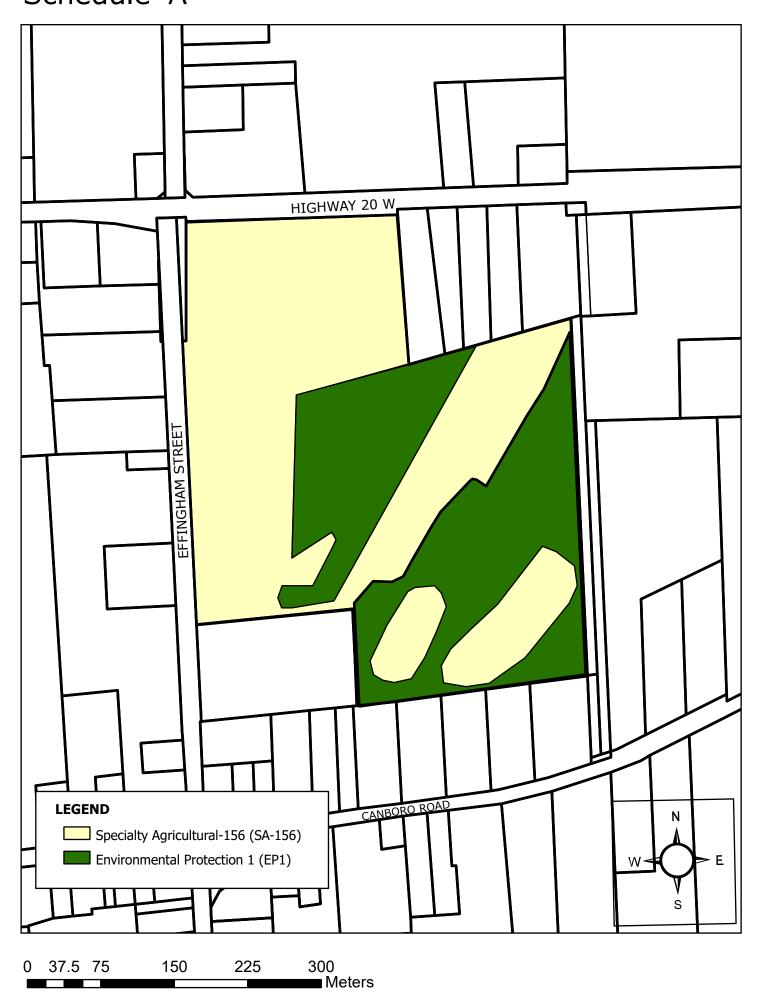
Minimum Land Area Planted in Vineyards 2.4 ha Maximum Floor Area of Building(s) Used for a Farm Winery 520.0m²

3. **THAT** this Bylaw shall come into force and effect from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the *Planning Act*, 1990, as amended.

Read, enacted, signed and sealed this 6th day of March 2024.

Marvin Junkin,	Mayor	
William Tigert,	T Cll-	

Schedule 'A'



This is Schedule 'A' to By-law No. _____ (2024) passed the 6th day of March, 2024.

Mayor: Marvin Junkin Clerk: William Tigert



The Corporation of the Town of Pelham

By-law No. 16-2024

Being a By-law for the Imposition of Development Charges and to Repeal By-law 4023(2018) and Amending By-law 4149(2019), 4314(2021), and 4431(2022).

WHEREAS subsection 2(1) of the *Development Charges Act, 1997*, S.O. c. 27 ("the Act") provides that the council of a municipality may pass by-laws for the imposition of development charges against land to pay for increased capital costs required because of the need for services arising from development in the area to which the by-law applies;

AND WHEREAS the Council of The Corporation of the Town of Pelham ("the Town") has undertaken the action required by section 12 of the Act prior to passing a by-law under section 2 of the Act;

AND WHEREAS the Council of the Town has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on February 21, 2024;

AND WHEREAS the Council of the Town, had before it a report entitled Town of Pelham Development Charges Background Study dated December 20, 2023, prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within the Town of Pelham will increase the need for services as defined herein;

AND WHEREAS the Council of the Town on March 6, 2024, approved the applicable Development Charges Background Study, dated December 20, 2023, in which certain recommendations were made relating to the establishment of a development charge policy for the Town pursuant to the Act;

AND WHEREAS the Council of the Town on March 6, 2024, determined that no additional public meeting was required;

NOW THEREFORE THE COUNCIL OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law,

"Act" means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended or updated from time to time.

"Affordable Residential Unit" means a Dwelling Unit that meets the criteria set out in subsection 4.1 (2) or 4.1(3) of the Act.

"Agricultural Use" means Agricultural Use as defined in the Zoning Bylaw.

"Apartment Unit" means any Dwelling Unit within a building containing three (3) or more Dwelling Units where access to each Dwelling Unit is obtained through a common entrance or entrances from the street level and the Dwelling Units are connected by an interior corridor.

"Attainable Residential Unit" means a Dwelling Unit that meets the criteria set out in subsection 4.1(4) of the Act.

"Back-to-back Townhouse Dwelling" means Dwelling, Back-to-Back Townhouse as defined in the Zoning By-law.

"Bedroom" means a habitable room larger than seven (7) square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen.

"Board of Education" means a board as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c.E.2.

"Building Code Act" means the Building Code Act, 1992, S.O. 1992, as amended or updated from time to time, and all Regulations thereto.

"Capital Cost" means costs incurred or proposed to be incurred by the Town or a local board thereof directly or by others on behalf of, and as authorized by, the Town or local board:

- (a) to acquire land or an interest in land, including a leasehold interest;
- (b) to improve land;
- (c) to acquire, lease, construct or improve buildings and structures;
- (d) to acquire, lease, construct or improve facilities including,

- (i) rolling stock with an estimated useful life of seven years or more,
- (ii) furniture and equipment, other than computer equipment, and
- (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, c.P.44; and
- (e) interest on money borrowed to pay for costs in (a) to (d); required for provision of services designated in this by-law within or outside the Town;

"Class" means a grouping of Services combined to create a single Service for the purposes of this by-law and as provided in section 7 of the Act, which may also be referred to as a Class of Service or Classes of Services.

"Commercial Use" means a Commercial Use as defined in the Zoning By-law.

"Council" means the Council of The Corporation of the Town of Pelham.

"Development" means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 7 of this By-law and includes the redevelopment of land and/or the redevelopment, expansion, extension or alteration of a use, building or structure except interior alterations to an existing building or structure which do not change or intensify the use of land, and "Developed" and "Developing" have corresponding meanings.

"Development Charge" means a charge imposed pursuant to this Bylaw.

"Duplex Dwelling" means a Dwelling, Duplex as defined in the Zoning By-law.

"Dwelling" means a Dwelling as defined in the Zoning By-law.

"Dwelling Unit" means a Dwelling Unit as defined in the Zoning By-law, namely a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping unit:

- (a) in which a food preparation area and sanitary facilities are provided for the exclusive use of such housekeeping unit; and
- (b) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but does not include a tent, cabin, trailer, motor home, mobile home, or in a hotel, motel or bed and breakfast establishment.

"Farm building" means a building or structure that is integral to an Agricultural Use including barns, silos or other similar buildings or structures, but excludes Residential Uses and Marijuana Production Facilities.

"Farm help house" means a Farm Help House, Permanent or Seasonal, as defined in the Zoning By-law.

"Garden Suite" means a Garden Suite as defined in the Zoning By-law.

"Grade" means the average level of finished ground adjoining a building or structure at all exterior walls.

"Gross floor area" means Floor Area, Gross as defined in the Zoning By-law.

"Institutional Development" means Development of a building or structure intended for Use:

- (a) as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Act, 2021,
 S.O. 2021, c. 39, Sched. 1 ("Fixing Long-Term Care Act");
- (b) as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*, S.O. 2010, c.11;
- (c) by any of the following post-secondary institutions for the objects of the institution:
 - a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - (ii) a college or university federated or affiliated with a university described in subclause (i), or

- (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*, S.O. 2017, c.34, Sched. 20;
- (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (e) as a hospice to provide end of life care.

"Interest Rate" means the annual rate of interest as set out in section 26.3 of the Act.

"Live/Work Unit" means a unit which contains separate Residential and Non-Residential areas intended for concurrent Residential and Non-Residential Use, and which shares a common wall or floor with direct access between the Residential and Non-Residential areas.

"Local Board" means a public utility commission, public library board, local board of health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special act with respect to any of the affairs or purposes of the Town or any part or parts thereof.

"Local Services" means those services or facilities which are under the jurisdiction of the Town and are related to a plan of subdivision or within the area to which the plan relates, required as a condition of approval under section 51 of the *Planning Act*, or as a condition of approval under section 53 of the *Planning Act*.

"Marijuana production facilities" means a building Used for growth, producing, processing, testing, destroying, storing or distribution, excluding retail sales, of medical marijuana or cannabis authorized by a license issued under the *Cannabis Regulations*, SOR/2018-144.

"Mixed-Use" means lands, buildings or structures Used for both Residential and Non-Residential.

"Multiple Dwelling" means all Dwellings Units other than Single Detached Dwellings, Semi-Detached Dwellings, Apartment Units, and Special Care Dwellings.

"Non-Profit Housing Development" means Development of a building or structure that meets the criteria set out in section 4.2 of the Act.

"Non-Residential" means the Use or Development of lands, buildings or structures or portions thereof for a purpose other than Residential Use.

"Owner" means the registered owner of land or a person who has made application for an approval for the Development of land upon which a Development Charge is imposed.

"Place of Worship" means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31.

"Planning Act" means the *Planning Act*, R.S.O. 1990, c.P.13, as amended or updated from time to time.

"Regulation" means any regulation made pursuant to the Act;

"Rental Housing" means Development of a building or structure with four (4) or more Dwelling Units, all of which are intended for rented Residential Use.

"Residential" means the Use of land, buildings or structures or portions thereof for human habitation and includes all types of Dwelling Units described herein.

"Semi-Detached Dwelling" means a Dwelling, Semi-Detached as defined in the Zoning By-law.

"Service" or "Services" means one (1) or more of the Services set out in Schedule "A", which is attached hereto and forms part of this Bylaw.

"Single Detached Dwelling" means a Dwelling, Single Detached as defined in the Zoning By-law.

"Special Care Dwelling" means a land, building or structure:

- (a) containing two (2) or more Dwelling Units that have a common entrance from street level;
- (b) where the occupant(s) of each Dwelling Unit have the right to use in common with other occupant(s) the halls, stairs, yards, common rooms, and accessory buildings of the Special Care Dwelling; and
- (c) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services such as meal preparation, grocery shopping,

laundry, housing, nursing, respite care, and attending services are provided at various levels; and

for greater certainty, Special Care Dwellings include but are not limited to retirement homes, lodges, group homes, dormitories, and hospices.

"Stacked Townhouse Dwelling" means a Dwelling, Stacked Townhouse as defined in the Zoning By-law.

"Town" means the Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

"Use" means a Use as defined in the Zoning By-law.

"Zoning By-law" means the Town of Pelham Comprehensive Zoning By-law No. 4481(2022), as amended or updated from time to time.

CALCULATION OF DEVELOPMENT CHARGES

- 2. (1) Subject to the provisions of this By-law, Development Charges shall be imposed, calculated and collected in accordance with the charges set out in Schedule "B", which is attached hereto and forms part of this By-law, and shall relate to the services set out in Schedule "A".
 - (2) The Development Charge with respect to the Use(s) of any land, building or structure shall be calculated as follows:
 - (a) in the case of Residential Development or the Residential portion of a Mixed Use Development, based on the number and type of Dwelling Units, as the sum of the product of the number of Dwelling Units of each type multiplied by the corresponding total amount for such Dwelling Unit type, as set out in Schedule "B";
 - (b) in the case of Non-Residential Development, or the Non-Residential portion of a Mixed Use Development, as the sum of the product of the Gross Floor Area multiplied by the corresponding total amount for such Gross Floor Area as set out in Schedule "B".
 - (3) The Development of land, buildings or structures for Residential and Non-Residential Use(s) shall require the provision, enlargement or expansion of the Services referenced in Schedule "A".

PHASE-IN OF DEVELOPMENT CHARGES

3. (1) The amount of the Development Charges described in Schedule "B" to this By-law shall be reduced in accordance with the Act.

APPLICABLE LANDS

- 4. (1) The Town-wide Development Charges indicated on Schedule "B" to this By-law shall be imposed on all lands, buildings and structures within the Town in order to defray the growth-related net capital cost of providing, enlarging, expanding or improving the Services indicated on Schedule "A" to this By-law.
 - (2) Subject to subsections 4(5), 4(6) and 4(7) of this By-law, Schedule "B" to this By-law applies to all lands in the Town, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*, R.S.O. 1990, c. A.31 ("Assessment Act").
 - (3) Subject to subsections 4(5), 4(6) and 4(7) of this By-law, the Water and Sanitary Sewer Development Charges indicated on Schedule "B" to this By-law apply to all lands within the Fenwick Urban Boundary as defined on the map in Schedule "C" to this By-law, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*. Water and Sewer charges will also apply to any property that is serviced by these facilities and are outside the mapped area in Schedule "C", which is appended hereto and forms part of this By-law.
 - (4) Subject to subsections 4(5), 4(6) and 4(7) of this By-law, the Water and Sanitary Sewer Development Charges indicated on Schedule "B" to this By-law apply to all lands within the Fonthill Urban Boundary as defined on the map in Schedule "D" to this By-law, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*. Water and Sewer charges will also apply to any property that is serviced by these facilities and are outside the mapped area in Schedule "D", which is appended hereto and forms part of this By-law.
 - (5) Notwithstanding subsections 4(3) and 4(4):
 - (a) the Development Charge for the water Service is applicable to Development within the designated service areas provided that municipal water service is available or

- expected to be made available during the term of this Bylaw;
- (b) the Development Charge for the sanitary sewer Service is applicable to Development within the designated service areas provided that municipal sanitary sewerage service is available or expected to be made available during the term of this By-law;
- (6) Notwithstanding subsections 4(3) and 4(4), this By-law shall not apply to land that is owned by and used for the purposes of:
 - (a) a Board of Education;
 - (b) any municipality or local board thereof;
 - (c) a hospital as defined under the *Public Hospitals Act,* R.S.O. 1990, c. P.40;
 - (d) that portion of a Place of Worship that is exempt from taxation under the *Assessment Act*;
 - (e) a Garden Suite,
 - (f) a Farm Help House
 - (g) a Farm Building.
 - (h) Institutions, other than those operated for profit, that are exempt from municipal taxation under the following legislation:
 - (i) Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1;
 - (ii) Fixing Long-Term Care Act: or
 - (iii) Mental Health Act, R.S.O. 1990, c. M.7
 - (i) land Developed for purposes where the Development is clearly exempt from taxation under provincial or federal legislation;
 - (j) land vested in or leased to a university that receives direct, regular and ongoing operating funding from the Government of Ontario where the Development is one in respect of which Development Charges would otherwise be

- payable but is intended to be occupied and used by the university;
- (k) Non-Profit Residential Development;
- (I) Affordable Residential Units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning).
- (7) Notwithstanding subsections 4(3) and 4(4), the Development Charges payable for Residential Development, where the Dwelling Units are intended for rented Residential Use, will be reduced based on the number of bedrooms in each Dwelling Unit as follows:
 - (a) Three (3) or more Bedrooms 25% reduction;
 - (b) Two (2) Bedrooms 20% reduction;
 - (c) Fewer than two (2) Bedrooms 15% reduction.
- (8) Notwithstanding subsections 4(3) and 4(4), as of the date on which section 4.1 of the Act is proclaimed into force, the following shall be exempt from Development Charges:
 - (a) Affordable Residential Units; and
 - (b) Attainable Residential Units.
- (9) Notwithstanding subsection 4(1), a 75% Development Charge exemption shall be granted for Development of the type(s) described in paragraph (a) and located within the areas defined in paragraph (b) subject to such Development meeting all of the conditions set out in paragraph (c).
 - (a) (i) addition of Residential Dwelling Units to existing Residential, commercial or Mixed Use buildings; and/or
 - (ii) conversion of existing commercial and Mixed Use buildings that creates additional Residential Dwelling Units; and/or
 - (iii) new Residential or commercial Development on vacant lots/ parking lots; and/or

- (iv) conversion of non-commercial space to commercial space.
- (b) the Development is in an area shown as Downtown Fenwick in Schedule "E" or the area shown as Downtown Fonthill in Schedule "F", which Schedules are appended hereto and form part of this By-law.
- (c) The Development must meet the following criteria:
 - (i) the Treasurer of the Town determines that the property taxes for the land on which the Development is located, are in good standing at the time of the application; and
 - the Director of Planning Services determines that the existing and proposed land Uses for the Development are in conformity with applicable Official Plans, Zoning By-law and other planning requirements at both the local and Regional level; and
 - (iii) the Chief Building Official determines that all improvements relating to the Development are to be made pursuant to a building permit and constructed in accordance with the Building Code Act and all applicable zoning requirements and planning approvals; and
 - (iv) the Chief Building Official determines that any outstanding work orders and/or orders or requests to comply from the Town have been satisfactorily addressed prior to the Town granting the Development Charge exemption; and
 - (v) where required by the Director of Planning Services, the applicant shall submit for approval professional design/architectural drawings in conformity with the urban design guidelines of the Town, traffic impact studies or studies of microclimatic conditions (e.g., sun, shadow, wind) and/or any other requirements must be met prior to the Town granting the Development Charge exemption.

- (10) Notwithstanding any other provision of this By-law, no Development Charge shall be payable where the Development:
 - (a) is limited to the creation of an additional Dwelling Unit as prescribed, in prescribed classes of new Residential buildings as set out in the Regulations to the Act; or
 - (b) is limited to the creation of an additional Dwelling Unit ancillary to a new Dwelling Unit for prescribed classes of new Residential buildings as set out in the Regulations Act.

RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING OR NEW HOUSING

- 5. (1) Notwithstanding any other provision of this By-law, Development Charges shall not be imposed with respect to:
 - (a) an enlargement to an existing Dwelling Unit;
 - (b) the creation of additional Dwelling Units equal to the greater of one (1) or 1% of the existing Dwelling Units in an existing Residential rental building containing four (4) or more Dwelling Units or prescribed ancillary structure to the existing Residential building;
 - (2) Notwithstanding any other provision of this By-law, Development Charges shall not be imposed with respect to the creation of any of the following in existing Single Detached Dwellings, Semi-Detached Dwellings, Back-to-back Townhouse Dwellings or Stacked Townhouse Dwellings:
 - (a) A second Dwelling Unit on a parcel of land on which Residential Use, other than ancillary Residential Use, is permitted, if all buildings and structures ancillary to the existing Residential structure cumulatively contain no more than one (1) Dwelling Unit.
 - (b) A third Dwelling Unit on a parcel of land on which Residential Use, other than ancillary Residential Use, is permitted, if no building or structure ancillary to the existing Residential structure contains any Dwelling Units.
 - (c) One Dwelling Unit on a parcel of urban Residential land, if the existing structure contains no more than two (2) Dwelling Units and no other building or structure ancillary

to the existing Residential structure contains any Dwelling Units.

- (3) Notwithstanding any other provision of this By-law, Development Charges shall not be imposed with respect to the creation of any of the following in new Single Detached Dwellings, Semi-Detached Dwellings, Back-to-back Townhouse Dwellings or Stacked Townhouse Dwellings:
 - (a) (a) A second Dwelling Unit on a parcel of land on which Residential Use, other than ancillary Residential Use, is permitted, if all buildings and structures ancillary to the new Residential structure cumulatively will contain no more than one (1) Dwelling Unit.
 - (b) (b) A third Dwelling Unit on a parcel of land on which Residential Use other than ancillary Residential Use, is permitted, if no building or structure ancillary to the new Residential structure contains any Dwelling Units.
 - (c) (c)One (1) Dwelling Unit in a building or structure ancillary to a new Residential structure on a parcel of urban Residential land, if the new Residential structure contains no more than two (2) Dwelling Units and no other building or structure ancillary to the new Residential structure contains any Dwelling Units.

RULES WITH RESPECT TO AN "INDUSTRIAL" EXPANSION EXEMPTION

- 6. (1) Notwithstanding section 4 of this By-law, if a Development includes the enlargement of the gross floor area of an existing industrial building, the amount of the Development Charge that is payable is the following:
 - (a) if the gross floor area is enlarged by 50 percent or less, the amount of the Development Charge in respect of the enlargement is zero; or
 - (b) if the gross floor area is enlarged by more than 50 percent, Development Charges are payable on the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.

- (2) For the purpose of this section, the terms "gross floor area" and "existing industrial building" shall have the same meaning as those terms have in O. Reg. 82/98 made under the Act.
- (3) In this section, for greater certainty in applying the exemption herein the gross floor area of an existing industrial building is enlarged where there is a bona fide physical and functional increase in the size of the existing industrial building.

DEVELOPMENT CHARGES IMPOSED

- 7. (1) Subject to subsection (2), Development Charges shall be calculated and collected in accordance with the provisions of this By-law and be imposed on land to be Developed for Residential and Non-Residential Uses, where the Development requires:
 - (a) the passing of a zoning by-law or an amendment thereto under section 34 of the *Planning Act*;
 - (b) the approval of a minor variance under section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (e) a consent under section 53 of the Planning Act;
 - (f) the approval of a description under section 50 of the *Condominium Act*, R.S.O. 1990, c.C.26; or
 - (g) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.
 - (2) Subsection 7(1) shall not apply in respect to:
 - (a) local services installed or paid for by the Owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under section 51 of the *Planning Act*;
 - (b) local services installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*.

LOCAL SERVICE INSTALLATION

8. Nothing in this By-law prevents the Town from requiring, as a condition of an agreement under section 51 or section 53 of the Planning Act, that the Owner install local services within the plan of subdivision or the area to which the plan relates at the expense of the Owner.

MULTIPLE CHARGES

- 9. (1) Where two or more of the actions described in subsection 7(1) of this By-law are required before land to which a Development Charge applies can be Developed, only one (1) Development Charge shall be calculated, imposed and collected in accordance with the provisions of this By-law.
 - (2) Notwithstanding subsection 9(1), if two (2) or more of the actions described in subsection 7(1) occur at different times, and if the subsequent action has the effect of increasing the need for Services as set out in Schedule "A", an additional Development Charge on the additional Dwelling Unit(s) and additional Non-Residential Gross Floor Area shall be calculated and collected in accordance with the provisions of this By-law.

SERVICES IN LIEU

- 10. (1)Council may authorize an Owner, through an agreement under section 38 of the Act, to substitute such part of the Development Charge applicable to the Owner's Development as may be specified in the agreement, by the provision of Services in lieu at the sole expense of the Owner. Such agreement shall further specify that where the Owner provides Services in lieu in accordance with the agreement, the Town shall provide to the Owner a credit against the Development Charge in accordance with the agreement provisions and section 39 of the Act, equal to the reasonable cost to the Owner of providing the Services in lieu. For greater certainty, in no case shall the agreement provide for a credit that exceeds the total Development Charge payable by an Owner to the Town in respect of the Development to which the agreement relates.
 - (2) In any agreement under subsection 10(1), Council may also give a further credit to the Owner equal to the reasonable cost of providing Services in addition to, or of a greater size or capacity, than would be required under this By-law. However, any such

credit shall not be charged to any Development Charge reserve fund.

RULES WITH RESPECT TO RE-DEVELOPMENT

- 11. In the case of the re-development involving the demolition and replacement of all or part of a building or structure:
 - (1) a credit offsetting the Development Charges payable shall be allowed, provided that the land was improved by occupied structures (or structures capable of occupancy) within the five (5) years prior to the issuance of the demolition permit, and the building permit has been issued for the development or redevelopment within five (5) years from the date the demolition permit has been issued; and
 - (2) the credit shall be calculated as follows:
 - (a) (a) for Residential buildings or structures, the credit shall be equivalent to the number of Dwelling Units demolished multiplied by the applicable Residential Development Charge in place at the time the Development Charge is payable under this By-law; and
 - (b) (b) for Non-Residential buildings or structures, the credit shall be equivalent to the Gross Floor Area demolished multiplied by the applicable Non-Residential Development Charge in place at the time the Development Charge is payable under this By-law.
- 12. Notwithstanding subsection 11 (1), the credit cannot exceed the amount of the Development Charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this By-law.
- 13. If a Development includes the conversion of a premise from one Use to another Use, then the amount of Development Charges payable shall be reduced by the amount, calculated pursuant to this By-law at the current Development Charge rates, that would be payable as Development Charges in respect of the pre-conversion Use, provided that such reduction shall not exceed the Development Charges otherwise payable.

TIMING OF CALCULATION AND PAYMENT

- 14. (1) Development Charges shall be calculated and payable in full in money or by provision of Services as may be agreed upon, or by credit granted under the Act, on the date that the first building permit is issued in relation to a building or structure on land to which a Development Charge applies.
 - (2) Where Development Charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the Development Charge has been paid in full.
 - (3) Notwithstanding subsections 14 (1) and 14 (2), Development Charges for Rental Housing and Institutional Developments (where not otherwise exempt) are due and payable in six (6) equal annual instalment payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest (calculated in accordance with section 26.3 of the Act), payable on the anniversary date each year thereafter.
 - (4) (4) Where a Development results from the approval of a site plan or Zoning By-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two (2) years prior to building permit issuance, the Development Charges under subsection 2 (2) shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply Development Charges under section 2 (2), the Development Charges shall be calculated on the rates payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest (calculated in accordance with section 26.3 of the Act).
 - (5) Notwithstanding subsections 14(1) to 14(4), Council may at any time enter into agreements providing for all or any part of a Development Charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

RESERVE FUNDS

- 15. (1) Monies received for the payment of Development Charges shall be used only in accordance with section 35 of the Act.
 - (2) Monies received from payment of Development Charges under this By-law shall be maintained in separate reserve funds. The

Treasurer of the Town shall divide the reserve funds created hereunder into separate accounts in accordance with the designated Services set out in Schedule "A" to which the Development Charge payments shall be credited in accordance with the amounts shown, plus interest earned thereon.

- (3) Where any Development Charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected in like manner as taxes.
- (4) Where any unpaid Development Charges are collected as taxes under subsection 15(4), the monies so collected shall be credited to the Development Charge reserve funds referred to in subsection 15(2).
- (5) (5) The Treasurer of the Town shall, in each year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in section 12 of O. Reg. 82/98.

BY-LAW AMENDMENT OR APPEAL

- 16. (1) Where this By-law or any Development Charge prescribed thereunder is amended or repealed either by order of the Ontario Land Tribunal or by resolution of Council, the Treasurer of the Town shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
 - (2) Refunds that are required to be paid under subsection 16(1) shall be paid with interest to be calculated as follows:
 - (a) interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
 - (b) the minimum interest rate is what the Bank of Canada rate is on the day the by-law comes into force updated on the first business day of every January, April, July and October shall be used.

BY-LAW INDEXING

17. The Development Charges set out in Schedule "B" to this By-law shall be adjusted annually, commencing on April 1, 2024, and each January 1st thereafter, without amendment to the by-law, in accordance with

the Statistics Canada Quarterly, Non-Residential Building Construction Price Index, catalogue number 62-007.

SEVERABILITY

18. In the event any provision, or part thereof, of this By-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this By-law shall remain in full force and effect.

HEADINGS FOR REFERENCE ONLY

19. The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this by-law.

BY-LAW REGISTRATION

20. A certified copy of this By-law may be registered on title to any land to which this By-law applies.

BY-LAW ADMINISTRATION

21. This By-law shall be administered by the Treasurer of the Town.

SCHEDULES TO THE BY-LAW

- 22. The following Schedules to this By-law are attached hereto and form an integral part of this by-law:
 - Schedule "A" Designated Municipal Services under this By-law
 - Schedule "B" Schedule of Development Charges
 - Schedule "C" Designated Water and Sanitary Sewer Development Charge Area (Fenwick)
 - Schedule "D" Designated Water and Sanitary Sewer Development Charge Area (Fonthill)
 - Schedule "E" Area to which the Downtown Fenwick Exemption Provisions Apply
 - Schedule "F" Area to which the Downtown Fonthill Exemption Provisions Apply

EXISTING BY-LAW REPEAL

23. By-law 4023 (2018), and amending by-laws 4149 (2019), 4314 (2021), and 4431 (2022) are repealed effective the date this By-law is in force and effect.

BY-LAW EFFECTIVE

24. This By-law shall come into force and effect on March 6, 2024.

BY-LAW EXPIRES

25. This By-law expires March 6, 2034, unless rescinded earlier.

SHORT TITLE

26. The short title of this By-law is the "Development Charges By-law, 2023".

Read, enacted, signed and sealed this 6th day of March, 2024.

Marvin Junkin, Mayor	
William Tigert, Town Clerk	

SCHEDULE "A"

TO BY-LAW NO 16-2024

DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

Town-wide Services:

- Fire Protection Services;
- Services Related to a Highway;
- Public Works (Facilities and Fleet);
- Parks and Recreation Services; and
- Library Services.

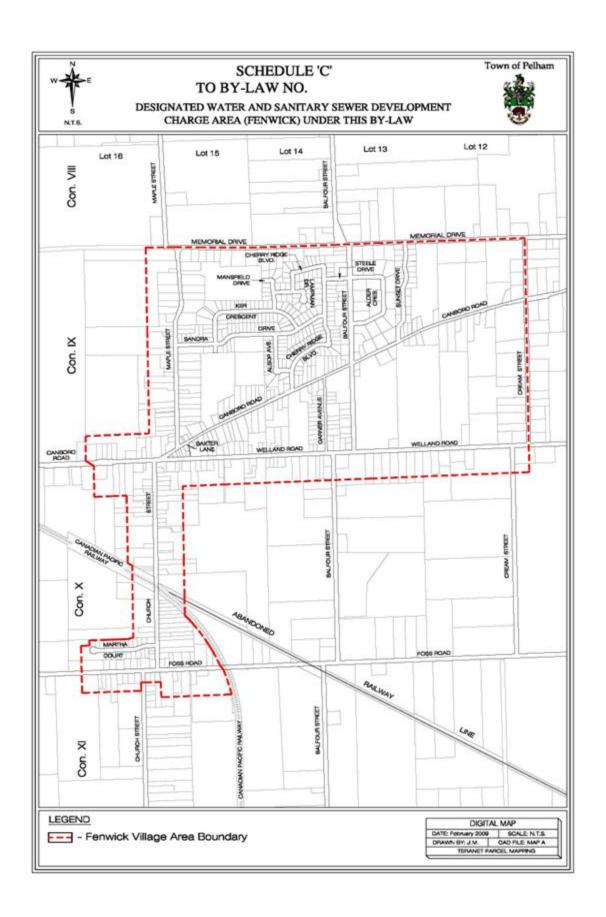
Urban Services:

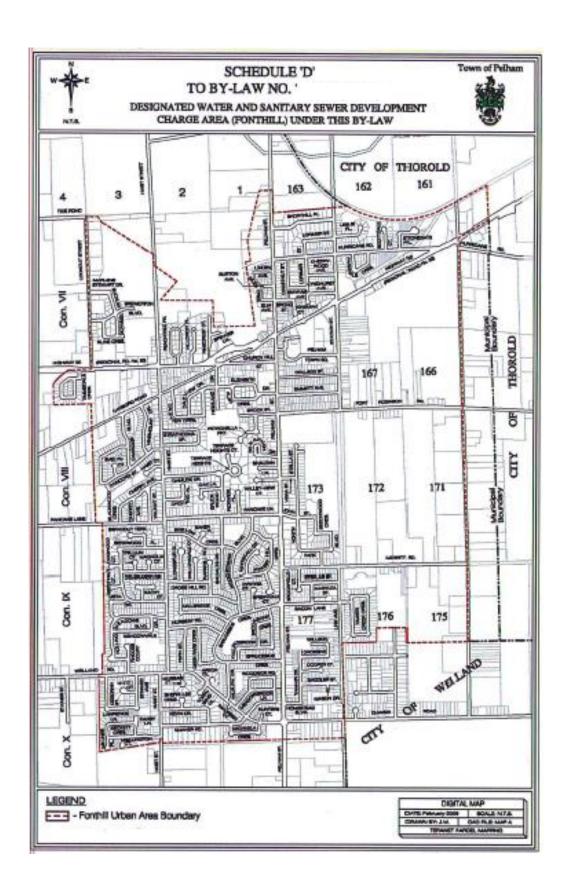
- Water Services; and
- Wastewater Services.

Schedule "B"

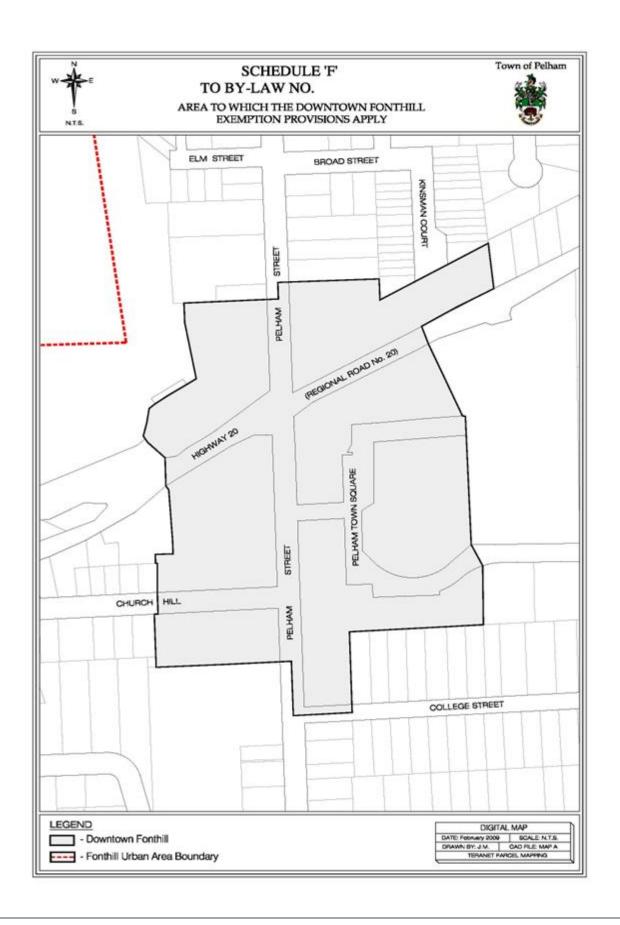
Schedule of Development Charges

			RESIDENTIAL			NON-RESIDENTIAL
Service/Class of Service	Single and Semi- Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Studio and 1 Bedroom	Special Care Dwellings	(per sq.ft. of Gross Floor Area)
Town-Wide Services/Class of Service:						
Services Related to a Highway	14,107	10,574	9,938	6,439	5,382	7.56
Public Works (Facilities and Fleet)	1,611	1,208	1,135	735	615	0.88
Fire Protection Services	968	726	682	442	369	0.52
Parks and Recreation Services	11,412	8,554	8,039	5,209	4,354	2.07
Library Services	965	723	680	440	368	0.18
Total Town-Wide Services/Class of Services	29,063	21,785	20,474	13,265	11,088	11.21
Urban Services						
Wastewater Services	5,418	4,061	3,817	2,473	2,067	3.77
Water Services	3,226	2,418	2,273	1,473	1,231	2.25
Total Urban Services	8,644	6,479	6,090	3,946	3,298	6.02
Total Town-Wide + Urban Area	37,707	28,264	26,564	17,211	14,386	17.23











The Corporation of the Town of Pelham

By-law No. 17-2024

Being a By-law to adopt Official Plan Amendment No. 20 for the Town of Pelham Planning Area.

1389 Effingham Street File No. OP-AM-02-2023

The Council of the Corporation of the Town of Pelham, in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O., 1990, as amended, hereby enacts as follows:

- 1. **THAT** Amendment No. 20 to the Official Plan of the Town of Pelham consisting of the attached explanatory text is adopted;
- 2. **AND THAT** the Clerk of the Town of Pelham is authorized to effect any minor modifications or correction solely of an administrative, numerical, grammatical, semantical or descriptive nature to this bylaw or its schedules after passage of this by-law.

Read, enacted, signed and sealed this 6th day of March 2024.

AMENDMENT NO. 20

TO THE

OFFICIAL PLAN (2014)

FOR THE

CORPORATION OF THE TOWN OF PELHAM

CONTENTS

PART "A" - THE PREAMBLE

Section 1 Title and Components

Section 2 Purpose of the Amendment

Section 3 Location of the Amendment

Section 4 Basis of the Amendment

Section 5 Implementation of the Amendment

PART "B" - THE AMENDMENT

Introductory Statement

Details of the Amendment

Appendix A Schedule 'A' to the Official Plan Amendment

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. 19 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. 20 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 Amendment is to amend Policies B2.1.3.11 (g) and (h) as they relate to the property located at 1389 Effingham Street to allow a farm winery with a minimum of 2.4 hectares of the lands planted in vineyards and/or fruit crops in full production and to allow a maximum floor area of 520 m² for buildings devoted to the farm winery use.

The effect of the amendment will be to permit the development of a farm winery with tasting/hospitality area and retail store.

SECTION 3

LOCATION OF THE AMENDMENT

The lands that are subject to this Amendment are located at 1389 Effingham Street within the Specialty Agricultural Area.

SECTION 4

BASIS OF THE AMENDMENT

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:

- 1. The Amendment is consistent with the Provincial Policy Statement and conforms to the Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.
- 2. The amendment conforms to Policies B2.1.3.11 (a) through (f) of the Town Official Plan and will allow the development of a farm winery as a secondary agricultural use to the principal farm operation.
- 3. The amendment conforms to Policy B2.1.3.8 of the Town Official Plan relating to accessory commercial retail uses on farm properties.
- 4. The amendment conforms to Policies B3.4.4.1 as a vegetation protection zone will be established between the agricultural related buildings on the adjacent lands to a feature in the Environmental Protection Three designation.

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 Amendment consisting of the following policies and attached map designated as Schedule 'A', identifies the Special Policy Area that constitutes Amendment No. 20 to the Official Plan adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014.

The Official Plan, adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014 is hereby amended as follows:

1. The revision of the following Policy:

Part "B" – The Amendment consisting of the following policy and attached map designated as Schedule 'A', identifies the Special Policy Area that constitutes Amendment No. 20 to the Official Plan adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014.

The Official Plan, adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014 is hereby amended as follows:

By deleting policy

"B2.1.3.11 Farm Wineries

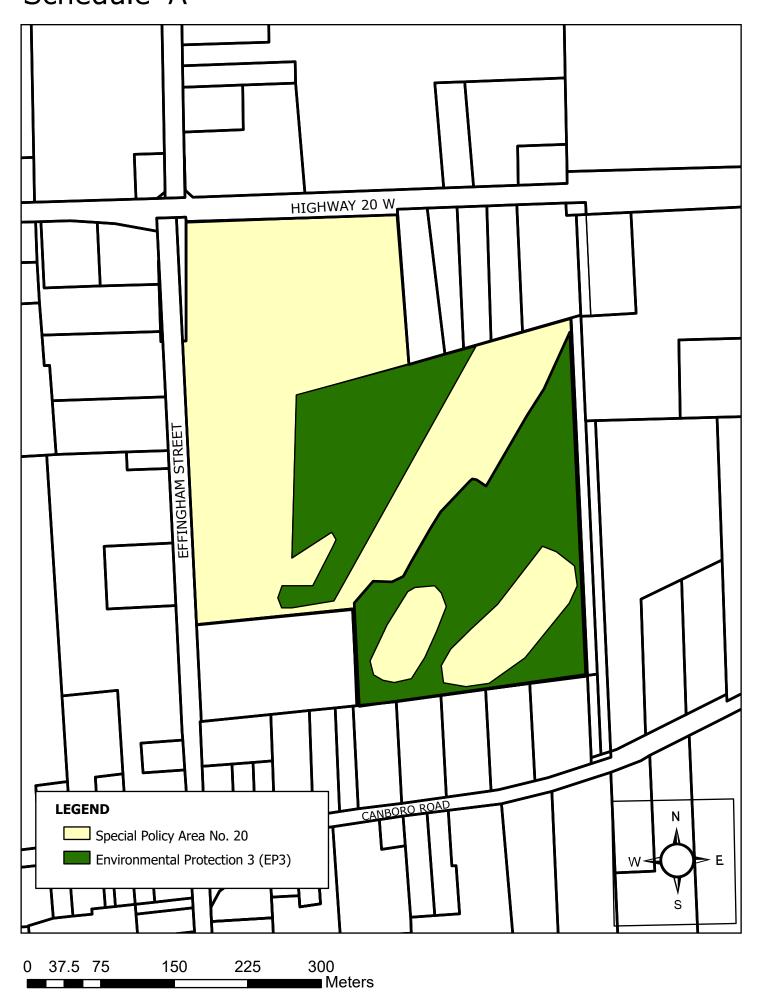
g) A minimum of 5 hectares of the lands shall be planted in vineyards and/or fruit crops and be in full production. Council will require the vineyard and/or fruit crop planting and production as a condition of approval to be completed prior to the issuance of a building permit; and, h) The maximum ground floor area for building and structures utilized for a farm winery shall not exceed 300 square metres."

and replacing it with:

"B2.1.3.11 Farm Wineries

g) A minimum of 2.4 hectares of the lands shall be planted in vineyards and/or fruit crops and be in full production. Council will require the vineyard and/or fruit crop planting and production as a condition of approval to be completed prior to the issuance of a building permit; and h) The maximum ground floor area for building and structures utilized for a farm winery shall not exceed 520 square metres."

Schedule 'A'



This is Schedule 'A' to By-law No. _____ (2024) passed the 6th day of March, 2024.

Mayor: Marvin Junkin Clerk: William Tigert



The Corporation of the Town of Pelham

By-law No. 18-2024

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 6th day of March 2024.

WHEREAS section 5(3) of the *Municipal Act, 2001,* S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that, unless otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as Follows:

- (a) The actions of the Council at its meeting held on the 6th day of March, 2024, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.
 - (b) The above-mentioned actions shall not include:
 - i. any actions required by-law to be taken by resolution; or
 - ii. any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
- **2.** The Mayor and proper officials of the Corporation of the Town of Pelham are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
- **3.** Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the Corporation of the Town of Pelham to all documents necessary to give effect to the above-mentioned actions.
- **4.** This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 6th day of March 2024.

Marvin Junkin, May	or
William Tigart Tou	ın Clark
William Tigert, Tow	/II Clerk

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