

Subject: Comprehensive Zoning By-law: What We Heard**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0137 –
Comprehensive Zoning By-law: What We Heard, for information.**

Background:

The Town continues to review and update the Comprehensive Zoning By-law and this report is to provide a summary of “What We Heard?” to date and the next steps. The project specific webpage (<https://engagingpelham.ca/comprehensive-zoning-by-law-review>) was launched on March 8th, 2021 to provide the public and various stakeholders with information pertaining to the new Comprehensive Zoning By-law. This website was the main source of information available to the public that included the bi-weekly release of different zoning sections from the Draft Comprehensive Zoning By-law for public review and comment.

Draft Comprehensive Zoning By-law sections were released on the project website as per the following schedule:

- General Provisions: March 15 – 19, 2021
- Rural and Agricultural: March 22 – April 2, 2021
- Residential and Greenfield: April 5 – 16, 2021
- Commercial: April 19 – 30, 2021
- Definitions: May 3 – 7, 2021

During this time, every Tuesday from 10:00 am – 12:00 pm and 1:00 pm to 3:00 pm, was set aside for “Tuesday’s with Tara” where the public or stakeholders could call, email or ask a question thru the project website or speak directly with the Policy Planner on the proposed Comprehensive Zoning By-law. Staff fielded several inquiries and comments during this time. The most frequently asked questions and inquiries were requesting property specific zoning information, how changes will impact development, will established residential areas be impacted by development and how will changes affect rural and agricultural properties. Overall, Staff have received positive feedback from the public and stakeholders review of the draft

Comprehensive Zoning By-law as many have stated that it reflects contemporary standards and eliminates discrepancies within the previous Zoning By-law, which will allow Pelham to continue to grow in a positive way.

What We Heard

The findings of questions and comments received have assisted staff in updating the draft Comprehensive Zoning By-law. As stated previously, the most frequently asked questions and inquiries were requesting property specific zoning information on an individual's property, as well as how changes will impact development, will established residential areas be impacted by development and how will changes affect rural and agricultural properties.

The demographics of those who visited the project webpage and contributed by asking questions and being informed were broken down by postal codes as follows. This break down helps illustrate the level of interest based on location and the majority of traffic to the webpage was from the Fonthill area:

Fonthill (LOS 1E0) – 66.7%
Fonthill (LOS 1E2) – 16.7%
Fenwick (LOS 1C0) – 16.7%

As of August 9th, 2021, there have been five-hundred and fifty-four (554) total visits to the project website, with a total of three hundred and thirty (330) zoning sections downloaded and eight (8) questions asked through the project website (see Appendix A for complete Project Report). The following breaks down the bi-weekly zoning sections released on the project website and a brief summary of what we heard.

General Provisions

What are General Provisions?

A general set of standards that apply to properties throughout the Town of Pelham that are not always specific to certain zones. For example, the General Provisions contain standards that regulate the location, height and setbacks from property lines for an accessory structure or contain standards for parking and loading requirements, address legal non-conforming use requirements, allowable exceptions to building height or permitted encroachments into yards, as examples.

Updates to General Provisions

Staff reviewed all existing general provisions in the existing zoning by-law. Generally, a number of General Provisions are recommended to be updated to reflect the direction in the Official Plan

(2014) and/or changes to Provincial Policies. Some General Provisions are recommended to be deleted as they are no longer applicable or do not conform to the Official Plan.

The Draft General Provisions zoning document was downloaded sixty-nine (69) times since March 15th, 2021. Staff received numerous inquiries regarding increasing the accessory building heights in all zones, establishing provisions to allow for backyard chickens, clarification of home industry vs. home occupations and support for the addition of On-farm Diversified Uses. Many questions and comments were clarifications regarding if these provisions would have any implications on an individual's specific property.

Rural and Agricultural

What are the Agricultural and Rural zones?

Ontario's agriculture and food industry play a key role in the Province's economic prosperity as well as the local economy. Within Niagara, including lands in the Town of Pelham, some of the best farmland in Canada can be found. A healthy agricultural industry supports food production and food security, preserves a valuable resource for future generations, protects the countryside, and supports economic prosperity and the long-term health of many rural communities that are dependent on agriculture. The principles of protection of agricultural land are rooted in the need to ensure future food production potential is available as well as protecting the rights of farmers to continue to be able to farm without interference and that there is flexibility for the farmers to adapt to changes in the agricultural industry.

In Ontario, land use planning is based on a policy-led system utilizing a top-down approach with the Provincial Policy Statement (PPS) setting the foundation for regulating land use across the Province, followed then by provincial plans, municipal plans, zoning by-laws, and best practices. Therefore, there are a number of policy sets that influence land use permissions in the Town's agricultural areas including the Provincial Policy Statement, Greenbelt Plan, Niagara Escarpment Plan, Regional Niagara Official Plan, Town Official Plan, Town Zoning By-law, and Provincial Minimum Distance Separation Formulae Requirements.

The Rural and Agricultural zoning document was downloaded thirty-five (35) times and the coordinating Schedule A, mapping associated with these zones, was downloaded thirty-three (33) times since they were released on March 22nd, 2021. The majority of questions pertained to any changes in the uses permitted in the Agricultural and Specialty Agricultural zones, greenhouse provisions, and simple clarifications regarding if these provisions would have any implications on an existing property.

Residential and Greenfield

What are Residential Zones?

The residential zoning categories and the permitted uses within Fonthill and Fenwick are as follows:

- Residential One Zone - single-detached.
- Residential Two Zone - single-detached dwellings, semi-detached dwellings, and duplex dwellings.
- Residential Three Zone - semi-detached dwellings, duplex dwellings, and triplex dwellings.
- Residential Multiple One Zone - triplex dwellings, semi-detached dwellings, duplex dwellings, fourplex dwellings, boarding house dwellings, converted dwellings, street townhouse dwellings, and block townhouse dwellings.
- Residential Multiple Two Zone - Apartment dwellings.
- Residential Development Zone - existing single detached dwellings and uses existing at the date of the passing of the by-law.

**Uses, buildings and structures accessory to the foregoing uses are also permitted in the Residential Zones listed above.*

Furthermore, the Residential Zones contain standards that regulate the minimum lot frontage and lot area, front yard, rear yard and side yard setbacks as well as the maximum building heights permitted in each of the above zoning categories.

What is Greenfield Development?

Greenfield development is a planning term. Greenfield areas are those areas in the Urban Area of Fonthill and Fenwick that have been identified by the Provincial government as areas capable of supporting new development at a density of fifty (50) persons and jobs/hectare. The Greenfield areas are identified in the Town Official Plan and include lands primarily in the East Fonthill, Kunda Park 4, Lookout neighbourhood and East Fenwick areas. In order to meet the density target established by the provincial target, greenfield development is required to contain a mix of housing forms of single detached, semi-detached, townhouse and apartment dwellings. It is the intent that these zoning categories are to be applied on lands within the East Fonthill and East Fenwick Secondary Plan Areas.

The Residential and Greenfield zoning document was downloaded seventy-two (72) times and the coordinating Schedules B and C, mapping associated with these zones, were downloaded thirty-eight (38) times since April 5th, 2021. The feedback received from the public was generally supportive especially with the streamlining of the number of residential zones down

from ten (10) to six (6) making for a more user friendly read. Staff received a number of requests from properties that are located adjacent to the Urban Boundary of Fonthill to be included in the new zoning by-law as Residential and not Agricultural as they are currently zoned. Staff informed these individuals that their request would be sent to the Niagara Region, as an Urban Boundary Expansion is apart of the Region's Official Plan update currently underway.

The introduction of the Greenfield zone was met with enthusiasm as it will help create new successful, vibrant, and livable neighbourhoods with an array of housing types in a pedestrian-oriented environment, and will create and facilitate a streetscape with a facade that animates the street edge. Conversely, staff did receive a number of unsupportive comments regarding the revisions to the Residential zones that could increase the amount of development within established neighbourhoods or that the by-law does not address the shortage of affordable housing in Pelham. Many questions and comments were simple clarifications regarding if these provisions would have any implications on an individual's specific property.

Commercial

What are Commercial Zones?

It is the objective of this By-law to recognize zones for commercial uses in certain locations and to establish new commercial zones in "Downtown Fonthill" and "Downtown Fenwick" which promote a more "urban" built form that appropriately addresses adjacent streetscapes and permits an array of compatible land uses. The Commercial zoning categories within Downtown Fonthill and Downtown Fenwick are as follows:

- Village Commercial
- Main Street
- Town Square
- Downtown Corridor
- Neighbourhood Commercial

The Commercial zoning document was downloaded ten (10) times and the coordinating Schedules D and E, mapping associated with these zones, were downloaded twenty-two (22) times since being released on April 19th, 2021. Staff only received a few questions and comments regarding if these provisions would have any implications on existing properties.

Definitions

The definitions assist those who may not be clear on the nature of a permitted use or how it has been defined for the purposes of the By-Law. The Definitions document was downloaded eleven

(11) times since being released on May 3rd, 2021. Staff have not received any questions or comments from the public on this section of the by-law.

Next Steps

The next step is to complete the mapping component including mapping the existing approved site specific exceptions that will continue in the new Comprehensive Zoning By-law and map the environmental zones. Following this work there will be further consultation with the public and agencies. The draft of the Comprehensive Zoning By-law will be circulated to the Region and the Niagara Peninsula Conservation Authority and other agencies for review and comment. Further Information Reports will be brought to Council to provide an overview of agency comments and revisions made to the Zoning By-law to address comments received later in the fall.

Staff are also hopeful an in-person open house can be held later in the fall depending on pandemic restrictions. However, staff will continue to utilize the on-line engagement platform to post updates, engage the public and receive comments. The on-line engagement platform and 'Tuesday's with Tara have been very effective in getting public feedback and comments on the work completed to date.

It is anticipated that a final draft of the Comprehensive Zoning By-law and housekeeping Official Plan amendment will be presented to Council in December 2021/January 2022. A formal public meeting will also be required prior to Council adoption of the Comprehensive Zoning By-law and housekeeping Official Plan amendment.

Attachments

Appendix A – Project Report

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