
HALDIMAND COUNTY

Report PDD-33-2020 Haldimand County Comprehensive Zoning By-law For Consideration by Council in Committee on November 17, 2020



OBJECTIVE:

To present and identify key elements of the Haldimand County Comprehensive Zoning By-law to Council for adoption.

RECOMMENDATIONS:

1. THAT Report PDD-33-2020 Haldimand County Comprehensive Zoning By-law be received;
2. AND THAT the By-law attached to Report PDD-33-2020 to adopt the Haldimand County Zoning By-law HC 1-2000 be presented for enactment;
3. AND THAT in response to subsections 34 (10.0.0.1) and (10.0.0.2) of the *Planning Act*, Haldimand County Council hereby resolves to permit site specific zoning amendments, in general, to the Haldimand County Zoning By-law within the 2 years following the passing of the said Zoning By-law;
4. AND THAT in response to subsections 45(1.2) and (1.4) of the *Planning Act*, Haldimand County Council hereby resolves to permit minor variances, in general, to the Haldimand County Zoning By-law within the 2 years following the passing of the said Zoning By-law;
5. AND THAT the County Zoning By-law is considered to be consistent with the Provincial Policy Statement 2020, Provincial Growth Plan 2020 or other matters of provincial interest.

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Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

This report is to provide a summary of key highlights of the Haldimand County Comprehensive Zoning By-law HC 1-2020 and seek Council consideration and approval of the document, which includes new text By-law and associated mapping schedules. The Comprehensive Zoning By-law will consolidate the Town of Dunnville Zoning By-law 1 DU-80; the Town of Haldimand Zoning By-law 1-H 86 and the City of Nanticoke Zoning By-law NE 1-2000 into a single inclusive and contemporary document that will create consistency across the municipality from a zoning and land use perspective.

BACKGROUND:

The Comprehensive Zoning By-law Project was initiated in 2015 and a consultant, WSP Global Inc., was retained to work with staff to prepare a new harmonized and comprehensive Zoning By-law to replace the County's three (3) Zoning By-laws (Town of Dunnville 1-DU 80, Town of Haldimand 1-H 86

and City of Nanticoke NE 1-2000). The intent was to consolidate the three (3) by-laws into one updated and flexible document that is reflective of current development trends, ensure consistency across the municipality and conform to the policies of the Haldimand County Official Plan and Provincial legislation.

A zoning by-law is a statutory land use regulation tool – it defines what you can do related to:

- the use of land (what is permitted);
- location of buildings and structures (i.e. setbacks);
- type of buildings and their use; and
- lot size, building dimensions and height, and amount of parking.

There are two components to the Zoning By-law project:

1. the Zoning By-law document (text portion), and
2. Mapping Schedules (including on-line interactive).

Properly structured, a zoning by-law can be a key tool in facilitating desired development by creating a flexible framework and regulations that can easily be met, thus avoiding the need to undertake lengthy and expensive development approval processes to seek either amendments or exceptions to the rules. A good zoning by-law also lets property owners, neighbours and citizens know what type of future development is permitted on their or adjacent property when making property related decisions. A key reason for updating the current zoning by-laws is the rigidity of the current system and obsolescence of regulations that lead to legal processes that are difficult to justify. Under a new zoning by-law any subsequent changes will hopefully be associated with major substantive matters/issues rather than technical adjustments.

1. The main benefits and changes relating to the **text portion** of the Zoning By-law include:

- Contemporary document that contains modern terms, language, and standards (setbacks, lot size, building area, etc.) that are consistent across the entire County;
- User friendly document that is easy to navigate and understand, with diagrams to explain complex items and tables for quick reference;
- Broader permissions/flexibility for repairs and expansions to legal non-conforming uses;
- Updated standards for land use separation (e.g. MDS); parking (e.g. shared parking, stall sizes); and servicing/development (e.g. alternative road widths and sight triangles); and
- Broad range of land use improvements compared to current By-laws.

These changes are intended and expected to lead to fewer application requirements and streamlined processes in support of economic opportunity and personal property development.

2. The main benefits relating to the **mapping portion** of the Zoning By-law include:

- convenient on-line zoning mapping that is easy to navigate/understand with clean lines and colour coded zones;
- ability for users to “click and confirm” property zoning including any site specific provisions;
- up-to-date information to allow for confidence in zoning confirmations;
- large amount of ‘clean-up’ of properties with split/sliver zones to create one contiguous property zone (which alleviates future need for a rezoning, variance, etc.); and
- changing of some property zones to align with the long standing use of the property and/or remove outdated zoning classification.

Staff and public have a significantly enhanced mapping tool that is easier to use and understand, and that reduces potential for error and time consuming zone boundary interpretations.

The Comprehensive Zoning By-law has undergone extensive virtual public consultation and staff are confident that the public concerns and comments raised throughout this process have been suitably

addressed with no significant issues remaining. In this regard, the statutory requirements of the *Planning Act* have been met. Extensive stakeholder consultation has also taken place (internal staff, conservation authorities, Provincial Ministries, and First Nations). This aspect of consultation has led to concurrence on approaches and specific provisions with no major concerns remaining.

Given the need for a new, comprehensive by-law, combined with the positive consultation process now being complete, staff are in a position to recommend approval of a new By-law for the County.

ANALYSIS:

The County's three Zoning By-laws collectively regulate every property in Haldimand County since the creation of the municipality in 2001. The By-laws have the same basic purpose to regulate land use, but use many different ways to express that intent. While the By-laws have undergone numerous amendments over the years (including several significant general amendments in 2010 and 2011), they still differ in format, language used, zoning categories and the standards found in the various zoning categories. The By-laws also have distinct timeframes of passage with the Town of Dunnville By-law 1-DU 80 being passed in 1980; the Town of Haldimand By-law 1-H 86 being passed in 1986; and the City of Nanticoke By-law NE 1-2000 being passed in 2000. Some of the provisions in the By-laws are outdated and have led to situations where development is based upon, or hindered by, outdated standards and/or terminology. Also, in some cases planning applications need to be processed to address relatively minor matters created by Zoning By-law standards which delays development approvals. Lastly, the variation in provisions between the By-laws has led to situations where identical proposals are regulated in very different ways thereby creating inequity.

The proposed comprehensive Zoning By-law has consolidated the historic documents and reviewed each of the zone provisions to find a balanced approach for the County to move forward and to build in flexibility to assist development. Many of the same zone categories have been carried forward with an update to contemporary standards, while maintaining the intent of the Official Plan and Provincial policies and guidelines. The document has also been structured into distinct sections, with a table format for permitted uses to make it more readable and user friendly.

Some of the key changes within the Comprehensive Zoning By-law are identified below:

ITEM	CHANGE		BENEFIT
	Former By-laws.	Proposed Comprehensive By-law.	
Hazard Land (HL) Zone	Previously included as a separate distinct zone within the previous by-law.	Removed as a specific zone. Now included as an overlay with underlying zone identified. (e.g. residential).	This will reduce the number of applications required for development where lands are regulated by a conservation authority. Builds in flexibility for the property owners to develop their properties in consultation with the conservation authority in line with use(s) identified in the underlying zone (e.g. residential).
Definitions Section	Dated wording and reduced number of defined terms.	Enhanced defined terms. Increase use of diagrams for clarity. Updated terms to meet new standards.	The intent of expanding the definitions section of the document is to assist in clarity of use and provide basis for development. Diagrams are also included to increase comprehension and administration of By-law.

ITEM	CHANGE		BENEFIT
General Provisions: Value Added Agriculture Uses	Value Added Agriculture (VAA) provisions contained in existing by-laws with specific criteria for development.	Range of VAA uses expanded and various criteria eliminated (e.g. direct tie to agriculture use; size limitations).	Affords more flexibility and range of opportunity for landowners to establish VAA uses.
General Provisions: Backyard Hens	Not Applicable.	Proposed provisions to permit in Hamlet Residential zone subject to specific criteria.	Responds to public interest matter and allows for more flexibility of use of appropriately located and sized properties in rural areas for raising of hens to produce eggs for personal consumption. Limits the use to suitably sized (0.4 ha/1 ac) and located (rural) properties.
General Provisions: Commercial Greenhouses	Not Applicable.	Inclusions of provisions.	Commercial Greenhouses are proposed to be included within the document to ensure orderly development and to minimize impact on adjacent properties. The provisions will include setbacks and lighting criteria.
General Provisions: Secondary Suites	Not Applicable.	Inclusion of provisions and as-of-right permissions for secondary suites.	Secondary suites are to be permitted as of right within certain residential zones and subject to criteria. This will provide opportunities for additional housing stock and alternative accommodation which respond, in part, to the need for affordable housing supply and the increasing costs of home ownership (i.e. income generation opportunity). This change also brings the County regulations into alignment with provincial requirements.
General Provisions: Garden Suites	Not Applicable.	Inclusion of provisions and as-of-right permissions.	Garden Suites are proposed to be permitted as of right, and without the need for a zoning application (as is currently required). Certain criteria, similar to that contained in the Official Plan, must be met to address public interest matters but this change to approvals process will benefit landowners in establishing alternative accommodation opportunities in a much faster and affordable manner.
General Provisions: Lakeshore Conversions to Year Round	Not applicable.	Inclusion of provision to permit as of right conversions of lakeshore residential properties subject to specific criteria (e.g.	Allows for simpler conversion process which expedites approvals and eliminates need for lengthy and costly planning process. Checks and balances remain in place with criteria that are to be established.

ITEM	CHANGE		BENEFIT
		frontage on municipal road).	
General Provisions: Drive-Through Lanes and Stacking Spaces	Not Applicable.	Inclusion of provisions.	Drive-Throughs are being addressed to ensure orderly development and proper setbacks to adjacent uses. The intent is to provide a basis and increase transparency for potential development.
General Provisions: Outdoor Patios	Not Applicable.	Inclusion of provisions to address parking, separation from residential uses, etc.	Patio provisions have been included within the Haldimand County Zoning By-law to recognize an increase in the trend and popularity of this use within the municipality and to provide some provision to establishment. Parking requirements associated with patios are reduced by 50% in recognition of the fact that while in season restaurant indoor dining is typically not at 100% capacity.
General Provisions: Condominiums	Not Applicable.	Inclusion of provisions that support the establishment and registration of a variety of condominium ownership types.	Ensures that the creation of various condominium descriptions and ownerships are recognized and supported in zoning thus preventing the need for an amendment or minor variance to the By-law.
General Provisions: Legal Non-conforming Uses	Recognized and opportunities provided for expansion/replacement.	Legal non-conforming (LNC) uses continue to be recognized but more flexibility afforded in terms of expansion, enlargement and replacement, including expansion of uses when no other zoning provisions offended, change of uses, and tolerances (i.e. to allow for deviations of small percentage which typically equates to number of inches).	Continues to recognize LNC uses and provides more flexibility to reduce the number of instances where a planning application will be required.
General Provisions: Temporary Dwelling	Not applicable.	Inclusion of as of right permission to locate and reside in a temporary dwelling (e.g. trailer) while building a new	Responds to the need of property owners that are rebuilding or building a dwelling and require a temporary accommodation. Represents a fairly common request that is generally supported but which must go through a planning application (minor variance).

ITEM	CHANGE		BENEFIT
		permanent dwelling on a property.	This eliminates the need for such an application and allows for needed expediency in securing accommodation.
General Provisions: Work at Home opportunities	Strict limits on size and range of uses.	Inclusion of provisions that increase scale (more employees) and types of uses. The criteria for home-based business includes limiting the number of employees; setbacks to adjacent properties and screening requirements.	The provisions will allow for opportunities for home offices; home occupations and home industries, while ensuring that zoning is still balancing size and scale of the operation. This reflects the growing trend of working at home, in particular in light of the shifting economy ushered in by COVID-19.
General Provisions: Environment/ Health Related	Not applicable.	Inclusion of various provisions that serve to address environmental/health related matters – e.g. restricting land uses around (drinking water) intake areas as part of sourcewater protection; requiring minimum amount of landscape area on properties to address water quality/infiltration; updated setbacks to address land use separations (cannabis facilities, livestock barns, kennels).	Provisions serve to address various health and environment concerns that could be produced by incompatible land uses.
General Provisions: Sliding Scale Provisions	Not applicable.	Inclusion of various provisions that take sliding scale approach to allow adjustment based upon use/scale – e.g. daylight triangle dimensions that are based on speed and volume of road.	Moves away from one size fits all approach and allows for appropriate scaling of provisions to suit the size and scale of project, location, infrastructure, etc.
Parking	Outdated standards and values based on older requirements.	Updated parking standards based on use. Inclusion of Shared Parking Standards for mix-use development.	The Parking Section of the new by-law has been updated to be more inclusive of different uses and also to be progressive in terms of spaces required and more modern size requirements. It also recognizes opportunities for shared parking arrangements between uses and

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		Adjusted space dimensions. Bicycle Parking Requirements.	mixed-use development. Additionally, it includes provisions for bicycle parking to encourage active transportation.
Zones	Over 80 different zones with various provisions included within the three (3) former documents.	Zones and provisions consolidated to a total of 29 zones.	Zones are streamlined and consolidated for consistency across the whole of the municipality and reflective of current development standards.
Zone Provisions	Outdated provisions, reflective of development styles and approaches common in the 1980s.	Modern provisions.	Modern language and terms used for ease of readability and application. Modern provisions allow for more compact and contemporary development styles (e.g. greater range of housing types).
Zones: Permitted Uses	Listing in each individual section. Limited range of uses each zone category with lists being prescriptive and exhaustive (e.g. if not in the list, not permitted).	Table format – easier to interpret and understand (for administrator and general user). Broader range of uses in each zone category to allow for greater variety of suitable and compatible development opportunities; more flexibility to allow 'like uses' (permitted use listings do not represent exhaustive list and represent uses "including" those listed (but not limited to)).	Permitted uses are identified in a table format so the reader is able to see all the uses and quickly reference which zones allow. This increase the readability and reference within the document.
Previous Special Provisions	There are 100s of special provisions (site specific amendments) that were legitimately established under the former by-laws.	All of the previous special provisions will be carried forward.	There will not be any loss of previously applied for/obtained land use permissions.

A common theme among the enhancement and new features to the zoning by-law is fewer application requirements. This has a public benefit in that this will allow for projects to start sooner, incur less cost and limit the amount of 'process for the sake of process' type of situations the Planning and Development Division has dealt with over the years. The downside to this approach is that there will be a reduction in application revenue. At this time, it is difficult to forecast exactly what that amount would be but preliminary estimates suggest a 10% reduction in the volume of certain application types which would equate to reduced revenue of approximately \$20,000 annually. That said, the benefit for staff is,

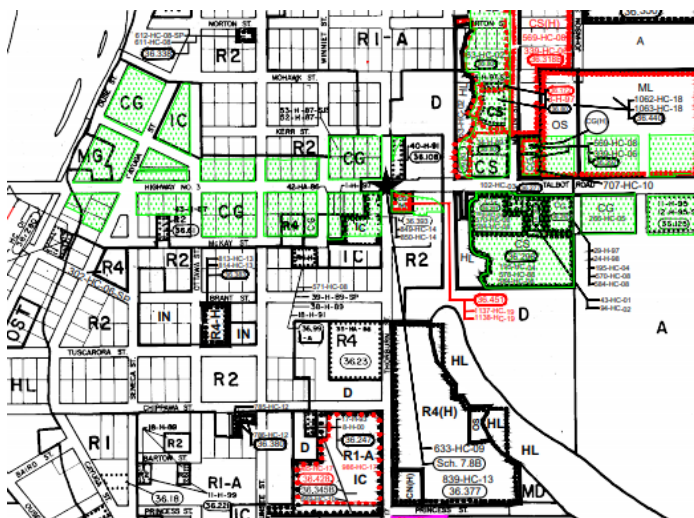
this will allow for increased time to be spent on more complex planning application matters with elimination of some of the more simpler but time consuming matters (e.g. garden suites, lakeshore conversions, legal non-conforming use expansions, etc.).

Mapping

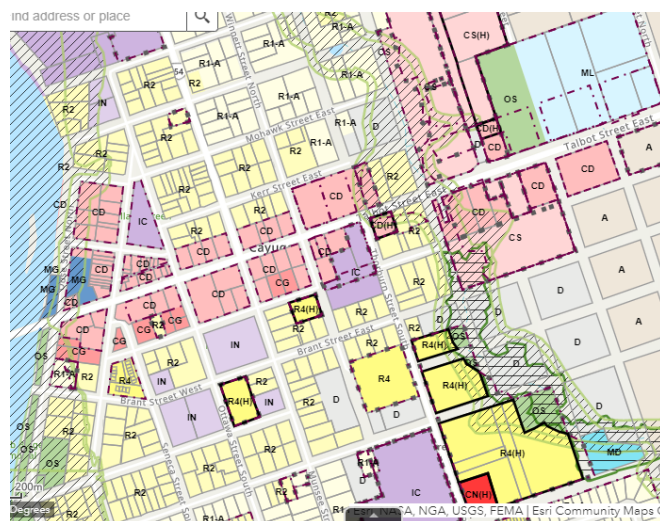
Zoning mapping has undergone substantial redevelopment moving from paper-based depictions to an on-line Interactive Zoning Map. The new platform provides accurate and easy to locate zoning information on an individual property basis. Any user can identify a property's zone, and if there is a holding, special provision, or hazard overlay on a property. The pop-up box within the on-line map tool provides information in a clear to read manner and also provides a link to the text of the Comprehensive Zoning By-law to provide further details. In time, an additional feature will be developed that links to any site specific by-laws for a particular property. This is anticipated to be built another value added component in early 2021. Additional features with the new on-line platform included:

- Search and filter opportunities so that individuals can look for specific zones (e.g. Downtown Commercial properties);
- Ability to turn various layers on/off – e.g. special provisions layer, sourcewater protection layer, hazard layer;
- A measure tool which allows the user to measure areas of a polygon, length of a line, or find the coordinates of a point on the map;
- Draw and add basic graphics and text to customize maps;
- Customize mapping by selecting different base maps depending on what base information is desired; and
- Print for reference and information.

The new on-line mapping will empower both public users and Haldimand County staff to quickly reference zoning details and accurate information. An example of the marked changes and evolution in mapping quality are shown below with a head to head comparison of the same general area of Cayuga.



Current Mapping – By-law 1 H 86



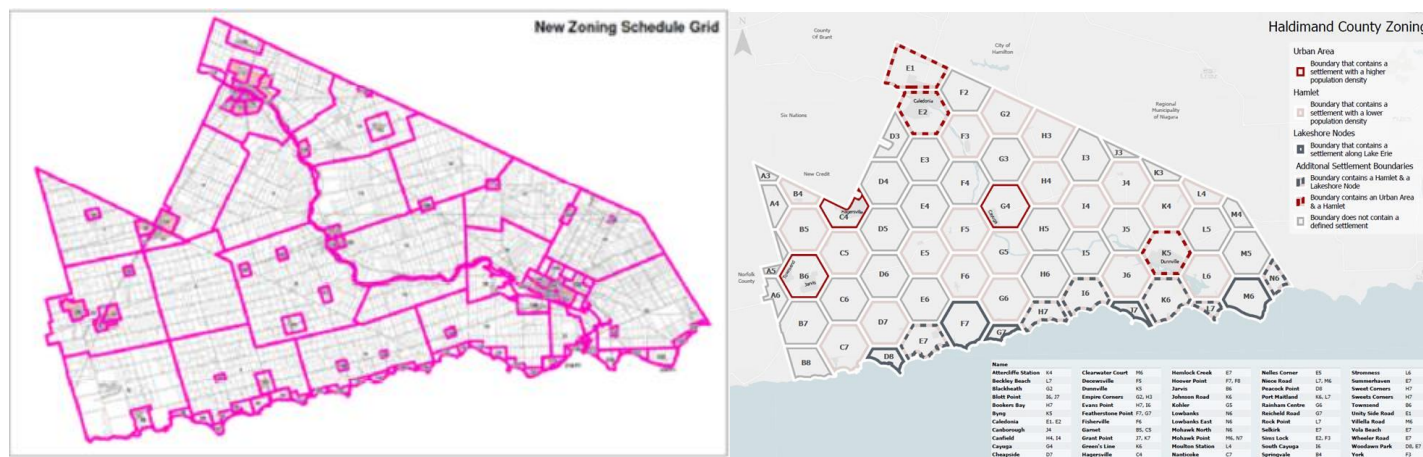
New Mapping – Proposed County By-law

Print Maps

Through the on-line mapping platform, a print function is available so that users can print specific areas and locations. While the on-line mapping is intended to be the primary driver for zoning information,

consolidated hardcopy versions will be available upon request. There is also a legal requirement to be able to provide a hard copy version. This created some difficulties when trying to map the entirety of the County and maintain readability of the information. Some of the key issues included splitting communities and urban areas, and an increase to zone densities/information. In order to address this situation, a new hexibin (honeycomb) pattern to lay out the municipality into reference sections was created by staff. The hexibin grid pattern was a new and innovative solution for mapping that staff generated to appropriately divide the municipality into workable segments for hardcopy printing and reproduction purposes given Haldimand's unique geography and configuration. The hexibin grid was developed to maintain the integrity of the community structure and allow for easy navigation through the County's geography. County GIS staff presented and showcased this innovative concept at the 2019 Esri Canada London User Conference and the 2019 URISA Be Spatial Conference – it has received positive reviews and spurred inquiries from other jurisdictions being it is the first of its kind.

An example of the mapping layout is identified below:



Traditional Grid System

Innovative Hexibin Grid Pattern

Policy

The zoning provisions were reviewed and considered in context of the Provincial Policy Statement, 2020, the Provincial Growth Plan for the Greater Golden Horseshoe 2020, and the Haldimand County Official Plan. The Zoning By-law will implement the specific provisions to facility growth and development within the municipality. The Zoning By-law is considered to be consistent with the provincial legislation and in conformity with the Haldimand County Official Plan.

The Zoning By-law is being passed through the regulations of the *Planning Act*, R.S.O. 1990, c. P.13. The *Planning Act* is provincial legislation and establishes the fundamentals for the land use planning systems in Ontario. It outlines how land uses may be controlled, and sets the administration for transparency and accountability in the planning process. Zoning By-laws are located in Section 34 of the Act. The Comprehensive Zoning By-law has been proceeded in accordance with the regulations of the *Planning Act*.

Amendments

The *Planning Act* sets out a restriction relating to submission of site specific zoning amendments and minor variances relating to the passage of a new Zoning By-law. In particular, during the 2 year period following approval of a new County Zoning By-law such applications would not be permitted *unless* there is a Council resolution passed that allows for such processes to take place. Staff has included two distinct recommendations as part of this report (one dealing with site specific zoning amendments and one dealing with minor variances).

In terms of the rationale behind the recommendations of staff, a few things need to be considered. Firstly, the moratorium of 2 years would limit some of the application intake for the County. This will pose hardship for landowners and (potentially) stall development projects. While there will be a new Zoning By-law complete with contemporary, flexible and consistent regulations, there are always projects that cannot be fully anticipated and/or accounted for. The By-law is comprehensive, but it does not cover every single scenario – that is simply not possible to do. And, that is why there are processes available such as site specific zoning amendments and minor variances. For example, it is not uncommon for a developer to request a minor modification to a project/plan that does not fit current zoning requirements. This can come as a result of necessary changes to accommodate an engineering design solution, a change in the design that is better suited to the site/market, as a response to public input, a unique blend/mix of uses, or as a result of an error in calculation that stems from the applicant or from staff.

Staff are of the view that Council should pass a resolution (as part of this report) that allows for minor variances and zoning amendments in the 2 year period following passage of the new County Zoning By-law. It is staff's recommendation that Council allow for applications generally (i.e. all types of variance and zoning amendment applications) to be permitted and not just certain categories or types. In this regard, it is important to note that the regular variance process and zoning amendment process would still apply and thus any application that comes forward would be assessed in accordance with the tests or criteria that are laid out in the *Planning Act* and would be subject to the regular public input process. The point of this is that it would be 'business as usual' should Council concur with staff and pass a resolution to permit variances and zoning amendments as part of this report.

Next Steps

Following the Public Meeting, if the report and recommendations are accepted by Council-in-Committee, the by-law will be presented to Council at its November 23rd, 2020 meeting for ratification. Once ratified, Notice of Passage will be posted both in the newspaper and on the website, and to any members who have requested a copy, and the twenty (20) day appeal period will be open. During the Notice of Passage period, an appeal to all or part of the Zoning By-law may be filed to the Local Planning Appeals Tribunal (LPAT). If the entirety of the document is appealed, LPAT will need to hear the issue before the By-law can be implemented, however, if only certain sections or provisions are appealed, the balance of the document would come into effect and can be used and the specific sections under appeal will revert to the former municipal by-laws.

For any active or on-going applications, for example a site specific Zoning Amendment being presented at the December 8th Council-in-Committee meeting, two (2) amending by-laws will be presented – one would be to the current zoning by-law (Town of Dunnville; Town of Haldimand; or City of Nanticoke – whichever is applicable), and a second which would amend the new Haldimand County zoning by-law. This process will act to ensure that both documents are properly addressed and the amendment is covered under both Zoning By-laws until the new Comprehensive Haldimand County Zoning By-law HC 1-2000 is in full force and effect.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

The proposed by-law provisions were reviewed by Planning and Development Staff in conjunction with input from the following divisions and agencies:

- Building and Municipal Enforcement Services

- Engineering Services
- Emergency Services
- Grand River Conservation Authority
- Long Point Region Conservation Authority
- Niagara Peninsula Conservation Authority
- Ministry of Municipal Affairs
- Ministry of Transportation
- Accessibility Advisory Committee

A presentation was provided by Planning staff to the Agricultural Advisory Committee and the Business Development and Planning Advisory Committee.

Planning Staff also met with the Six Nations Consultation and Accommodation Process Team to discuss the project and highlight key areas of the document. While attempts have been made, response has not been received from Mississaugas of the Credit First Nation.

A number of the comments and consultation were addressed through discussion and inclusion within the document. The broader public consultation was completed virtually and included a presentation along with commenting periods that were open July 9th, 2020 through August 28th, 2020.

Notice regarding the public consultation was shared through newspaper notice; website posting and email correspondence. A web page was created for the Comprehensive Zoning By-law Review with a virtual presentation; mapping link; timeline; and background information including a previous report and a summary of what a Zoning By-law is. The virtual presentation was a fifteen (15) minute slideshow with voice over to outline the document and explain the purpose of the by-law; provide details on land use and identify highlights regarding key changes to the document. The website also included the new text document and the new on-line zoning mapping with an instructional “How-To” page to assist the user.

A list of the Public Consultation Comments is included with this report as Attachment 1; the table identifies the comment received; how staff responded and the impact/change on the by-law. Through the consultation process a total of thirty-three (33) formal comments were submitted. The submissions varied in nature with some of the items raised as follows:

- i. Recreational Vehicle parking in residential neighbourhoods;
- ii. Clarification regarding the Hazard Land overlay;
- iii. Change of zone to Hamlet Residential (RH) from Agriculture (A) for properties within existing hamlet boundaries;
- iv. Townhouse provisions;
- v. Provisions for On-Farm Diversified Uses;
- vi. Zoning of Historical sites/buildings;
- vii. Secondary dwelling units;
- viii. Fencing provisions;
- ix. Cayuga zoning question – former Cayuga Administration Building should not be left Community Institutional as the intention from the County was for open space when the building was vacated;
- x. Cayuga zoning question – lands on the east and west side of Monture Street should be residential not agriculture; and
- xi. Non-Farm Chickens.

In each instance, staff provided a direct and individualized response to the comments. Based on these responses, staff have not received any feedback or indication that the recommended approach is unsatisfactory.

A full list of the comments received and responses is included to this report as Attachment 1.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: Yes

ATTACHMENTS:

1. Public Consultation Comments.
2. Haldimand County Comprehensive Zoning By-law HC 1-2020.