
To: Mayor and Council

From: MHBC Planning

Meeting Date: February 24, 2025

Subject: Report PB-008-2025 - New Zoning By-law Proposed Format and Preliminary Issues

Recommendation

Be It Resolved that Council of the Township of Clearview hereby receive report PB-008-2025 (New Zoning By-law Proposed Format and Preliminary Issues) dated February 24, 2025, for information; and,

- 1) That Council support the proposed new Zoning By-law structure and format as outlined in this Report (PB-008-2025), subject to appropriate and relevant changes that may occur throughout the public consultation process and further analysis;
- 2) That Council provide comments on the preliminary issues that have been identified as matters to be addressed through the preparation of the new Zoning By-law; and,
- 3) That Council direct Township staff to work with MHBC to coordinate for the first Public Open House and provide notice of the first Public Open House for public and agency review and input on the first draft of the new Zoning By-law.

Purpose of Report

The purpose of this report is to provide high level recommendations for the structure of the new Zoning By-law and approach to new permissions and regulations for each of the zoning categories in the Township. The report will establish the framework for the new Zoning By-law for a first draft of the By-law to be prepared and reviewed by the public and agencies.

The report also outlines preliminary issues that are being reviewed and addressed through the preparation of the new Zoning By-law.

Through the review process, there will be opportunities for public and agency input. The intent is to prepare the first draft of the new Zoning By-law for review by the public and agencies for Spring 2025.

New Zoning By-law Format and Approach

The new comprehensive Zoning By-law will reflect the current policy framework as established in the recently approved Township of Clearview Official Plan. The new Zoning By-law is intended to be a user-friendly by-law, which reflects the current needs of the Township and applicable planning context to ensure the By-law is understood by the public and efficiently administered by the Township.

The new Zoning By-law will introduce a 'user guide' at the front of the by-law to assist the public in navigating and using the new By-law. The 'user guide' would be included for information purposes to explain the purpose of the by-law, provide step-by-step instructions on general use of the by-law (i.e. determining the zoning of a specific property), outline other applicable regulations to consider (i.e. building code), and provide Township contact information

A draft Table of Contents is provided in Appendix 1 of this report, which provides a general outline of the order of regulations and format proposed for the By-law based on existing section and subsection titles.

The structure of the new Zoning By-law is summarized as follows:

- An Administrative section will provide the description of the By-law and outline general administrative items associated with the By-law.
- General Provisions would be provided in a logical order, and related regulations would be grouped together. Overlay and Holding zones may be utilized to implement the Official Plan policy direction.
- The Definition section will be provided alphabetically, with the addition of an index and headings assist in readability. The definition section is the longest section in the Zoning By-law because of its importance of interpreting and implementing the general regulations, permitted uses and zone regulations. They provide users with clear and concise definitions for permitted uses and terms used throughout the Zoning By-law. The definitions allow for the Zoning By-law to be more prescriptive. For example, if a term is not defined, it could mean a few different things to many people. By including a definition, it provides more guidance to the users to understand the purpose and intent of the Zoning By-law. A term that is defined by a Zoning By-law but not listed as a permitted use in any zone is thereby not a permitted use.
- Zones and associated regulations will be grouped based on general categories (i.e. Rural & Agricultural, Residential, Commercial, Employment, Open Space), in an order that generally reflects the order of designations in the Official Plan. Zone names will reflect the land use designations of the Official Plan.

- A Section for all site-specific exceptions to the new Zoning By-law will reflect existing provisions and will be linked to numerical identification on the Zone Schedules. Further details on the site specific provisions will be addressed in a follow up report.

Zone Categories and Regulations

Zone specific permissions and regulations will be grouped based on general categories that reflect the Official Plan designations (i.e. Rural & Agricultural, Residential, Commercial, Employment, Open Space).

The permitted uses and zone specific regulations are to be provided in a chart format. The use of charts allow for the consolidation of information, reduces the need to repeat information and provide for easy comparisons. Please refer to Appendix 2 for the example Zone Section format.

For each category the permission and regulations will be provided in the following order:

- Permitted uses within all zones included in the category (i.e. Residential); and
- Regulations applicable to each separate zone (i.e. R1, R2, R3).

The zone specific regulations be provided in a standard order similar to the existing by-law. This would include regulations relating to minimum and/or maximum lot area, lot frontage, lot coverage, front/rear/side yard setbacks, floor area, building height and other regulations as may be required.

Special Provisions will be consolidated in a list of all Special Provisions to assist with the readability and use of the By-law, particularly as the individual zone categories become shorter and will be easier to manage as new provisions are approved.

Zoning Maps

The new Zoning By-law would display the Township zoning on separate maps as outlined on an index map. The format will provide the opportunity for each settlement area to be identified on a separate Zone Map.

The boundary lines between the separate zoning maps may need to be modified from the current by-law to better reflect existing areas within the Township and assist in the use and administration of the by-law.

The proposed boundaries are based on Official Plan designations, as the new By-law must conform to the Official Plan and implement the policy direction of the Official Plan. The individual Zone Maps are to be formatted as follows.

- Printed on a tabloid (11"x 17") page, folded to fit into the proposed bound Zoning By-law;
- Prepared in black and white, with hatching used for the 'Hazard' zone and dashed boundaries for 'Special Provisions';
- Streets, Township boundary, zone categories and 'Special Provisions' labelled;
- A consistent legend on all pages, that is visible when the map is folded, and includes: title, list of zones, north arrow, scale, key map and approval date/signatures.
- The orientation of all individual maps would be the same (i.e. north to the top of the page);
- Zone boundaries will follow property lines, natural features or the road centre line.
- A graphic scale is included which will allow for distance to be measured accurately if the map is reduced or enlarged;
- The key map allows the user to determine the general location within the Township;

In addition to the individual Zone Maps, a separate large scale consolidated zoning map for the whole Township will be provided for information purposes. The consolidated map would assist in addressing zoning inquiries at the Township and could be amended over time to meet staff needs.

All the maps prepared will be provided to the Township in a format that allows them to be integrated into the GIS system to allow for maintenance and future updates internally.

Identifying Zoning Matters for Detailed Assessment

The development of the new Zoning By-law will consider a range of considerations from a variety of sources including:

- Existing Provincial (e.g. PPS, Niagara Escarpment Plan) and County planning policies.
- Matters raised by Township staff from a variety of departments based on use of the existing by-law and other known items to be addressed.
- Input provided through public and agency consultation through the process of developing the By-law.
- Previous minor variance and Zoning By-law amendment applications, specifically reoccurring requests for relief.
- Site assessment (ground-truthing) for areas where the preliminary review of the Official Plan relative to the existing zoning suggests a potential issue.

Preliminary issues, predominately developed through consultation with Township staff, are listed below:

- Additional Residential Units (ARUs)
- On-Farm Diversified Uses (OFDU)
- Home Businesses
- Archaic Plans
- Residential Setbacks
- Parking Requirements
- Requirements for Development with less than 10 units
- Private Servicing and use of Cisterns
- Use of Shipping Containers

Report Appendices

Appendix A – Example of Table of Contents

Appendix B – Example of Zone Section Format

Appendix C – Example of Zone Schedules

Approvals

Submitted by: D. Aston and A. Clarke, MHBC Planning

Reviewed by: Amy Cann, Director of Planning & Building

**Financial Implications
Reviewed by:** Celine Anderson, Deputy Treasurer

Approved by: John Ferguson, CAO