

DEPARTMENT: Planning
DATE: July 12, 2010
PREPARED BY: Jeff Watson, Policy Planner
REPORT NUMBER: PLN2010-14

SUBJECT: The draft comprehensive zoning by-law for the Town of Essex

PURPOSE

To recommend the adoption of the draft comprehensive zoning by-law for the Town of Essex.

BACKGROUND

Reasons for the Introduction of a new comprehensive zoning by-law

A new Official Plan (OP) for the Town of Essex was put into effect in March 2009. The Planning Act of Ontario requires that the comprehensive zoning by-law for a municipality be updated or replaced within three years of the implementation of a new OP. Since amalgamation in 1999, the Town has administered four zoning by-laws, By-laws 2010, 694, 2125 and 1902, for the former Towns of Essex and Harrow and the Townships of Colchester North and South, respectively.

In light of the age of these by-laws (20+ years), the introduction of new provincial legislation under the Planning Act (2005) and other Acts, the need to enhance readability and to modernize some provisions of the by-laws, and, given the administrative difficulty in managing them, it was deemed appropriate to replace them with a new comprehensive zoning by-law for the entire Town of Essex.

The process of creating a new zoning by-law has been ongoing since the summer of 2009. The draft by-law was developed by Planning with the full participation of the Chief Building Officials, who have an intimate knowledge of local development trends and issues and the workings of the current by-laws. It was tabled by Council as a first draft in December 2009, with the mandate to circulate it for public review and comment.

It had to serve as a consolidation of the four current by-laws, have regard to the policy requirements of the Planning Act (Provincial Policy Statement 2005) and the policies of the new Official Plan, which implements those same mandates. It had to be more user-friendly, accessible and concise than the present by-laws.

The by-law satisfies those goals in several ways:

1. It meets the general intent of the 4 present day by-laws, while establishing a more consistent and up to date set of regulations and permitted land uses within the various land use categories;

2. It implements Provincial policies through the establishment of new land use zones, such as Natural Environment (see the NE1.1 District) and Wetland (see the W1.1 District) zones, and adds provisions to address such matters as alternative transportation, renewable energy, flood control and minimum distance separation;
3. It has more comprehensive provisions for a wide variety of building matters, such as permitted encroachments into a required yard and required parking space reductions/exemptions;
4. It significantly improves "readability" through the use of land use charts, expandable mapping (zoom function, a future enhancement), land use colour coding on the zoning district maps, more comprehensive map information and by organizing regulations by theme i.e. Section 8, General Land Use Regulations, Section 10, General Building Regulations and Section 12, Parking Area Regulations, to make them more accessible. Such measures are intended to guide the public through this rather complex document, but also to make it administratively easier to interpret and enforce;
5. It will be accessible on the Town's website and available on cd and in printed format. New methods of incorporating by-law revisions and administering the by-law will be introduced to ensure the integrity and legal validity of the by-law.

Public Review

The draft by-law, titled, Town of Essex Zoning By-law 2010, Draft – Public Version 1, was put on public display in late 2009. We:

1. had the by-law, with the accompanying zoning district maps, on public display at the following locations: Essex Arena and Harrow Community Centre (until the end of January); Gesto Building Department Offices and Town Hall (to the present);
2. had it on the Town website in the new year, with the final version currently placed on our website;
3. had two evening public open houses, one in the Harrow Community Centre and one in the Essex Arena on January 25 and 27 respectively. Fifty persons attended the former and 12 persons attended the latter;
4. had two general public meetings, on March 15th and June 28th, and an area specific meeting, concerning Pleasant Valley and Paquette Corners, on May 10th. Seventy-six people attended the first general public meeting and 11 people attended the second. Forty-two persons attended the area specific meeting.

Public notice of the impending by-law and announcements of opportunities for public review and comment were placed on the Town website and in the local newspapers. Notice of the two public open houses were distributed by bulk mail and/or placed in the local papers. Mailed notices of the area specific special meetings were given to all affected property owners, with a mix of newspaper notice and mailings for the final public meeting.

Overall public response has been good. We have received telephone calls and counter inquiries, often on a daily basis, and it has enabled us the gauge public opinion concerning the proposed by-law and to identify and address general areas of concern. Revisions have also been made to address site specific matters, respond to new information concerning land use history or fix simple errors in the text or mapping.

Revisions to the text of the by-law have been ongoing. The text changes introduced in each revised version, of which there were 2, were noted in red text. The final draft, the one before Council for formal approval, has been placed on the Town's website, along with this report.

COMMENTS

As noted above, the by-law has undergone numerous revisions in response to public input received during the open houses, from telephone conversations, emails and counter inquiries, at the public meetings and as amended by the Planning Committee, as the by-law was tested in the field.

As a result of the most recent general public meeting on June 28th, the R1.2 zoning (Pleasant Valley) was revised to permit horse ownership at a ratio of 2 horses/acre and other animals at a ratio of 1 animal unit/acre to a maximum of 5 animal units. Properties with a higher ratio will be grandfathered, if such activity lawfully exists under the current R3 zoning.

In response to a submission of the Ontario Restaurant , Hotel and Motel Association (ORHMA), at the last public meeting, concerning the regulations affecting drive-through restaurants, specific revisions were made to accommodate their concerns. It was understood that any revisions had to conform to the applicable policies of the Official Plan and this was adhered to. Planning will also be submitting a report to Council to recommend revisions to the site plan control policies, subsequent to the adoption of the new OP and comprehensive zoning by-law. It will include, amongst other things, recommendations concerning drive-through facilities and ORHMA will be invited to respond.

FINANCIAL IMPACT

This is the new comprehensive zoning by-law for the Town of Essex and as such has no direct financial impact on the Town, except as necessary for its implementation.

RECOMMENDATION(S)/CONCLUSION(S)

That Council adopt By-law 1037, being the new comprehensive zoning by-law for the Town of Essex, which also repeals By-laws 2010, 694, 2125 and 1902, being the comprehensive zoning by-laws for the former Towns of Essex and Harrow and the Townships of Colchester North and South respectively, and, that the Clerk be requested to give notice of adoption in accordance with the provisions of The Planning Act.

Concur

Reviewed by:		
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