



Zoning By-law Review

Technical Memo No. 1: General Issues (Draft)



April 2026

Table of Contents

1	Purpose of Technical Memo No. 1	1
2	Key Principles of the Zoning By-law Review	3
2.1	Section 34 of the Planning Act	3
2.2	Key Principles of the Zoning By-law Review	3
3	Zoning By-law 129-90	8
3.1	Introduction	8
3.2	Overview of Zoning By-law 129-90	8
3.3	Preliminary Observations of By-law 129-90	10
4	General Trends in Zoning	16
4.1	Introduction	16
4.2	Euclidean and Form-based Zoning	16
4.3	Increased Flexibility	18
4.4	Transportation and Mobility	19
4.5	Administration, Accessibility and Clarity	20
4.6	Other General Trends in Zoning	21
5	Zoning By-law Administration	23
5.1	Introduction	23
5.2	Transitional Matters	23
5.3	Exception Zones	25
5.4	Holding Symbols	28
5.5	Minor Variances	30
6	Official Plan Conformity	33
6.1	Introduction	33
6.2	Official Plan	33
6.3	Secondary Plans	35
7	Conclusion	40

Appendix A - Zoning By-law and CPPS Study Areas

Appendix B - Official Plan Land Use Designations

Appendix C - Description of By-law 129-90 Schedules

Appendix D - Summary of Exception Zones

Appendix E - Summary of Holding (H) Symbols

Appendix F - Summary of Minor Variances

1 Purpose of Technical Memo No. 1

Technical Memo #1: General Issues is the first in a series of technical memos that will inform the development of the Town’s new comprehensive Zoning By-law (“the Zoning By-law Review”). It focuses on a number of fundamental considerations for the new zoning by-law, which are referred to as “General Issues”, including:

1. Key Principles	This section establishes principles that will be applied throughout the Zoning By-law Review to ensure that the new zoning by-law is easy to use, supports planning outcomes, and aligns with the Town's needs and vision.
2. Zoning By-law 129-90	This section provides an overview of the Town’s in-effect zoning by-law, including the key sections and definitions currently in place.
3. General Trends in Zoning	This section provides an overview of current zoning trends to ensure the zoning by-law reflects current best practices and development needs.
4. Zoning By-law Administration	This section outlines zoning tools and implementation considerations, such as transitional matters, and summarizes key patterns in zoning administration, including minor variances and exception zones.
5. Official Plan Conformity	This section sets the stage for a zoning by-law that conforms to the new Official Plan and secondary plans and implements the Town's vision for growth and development through 2051.

Overall, Technical Memo #1: General issues is intended to set the foundation for the Zoning By-law Review and guide the development of a modern, clear, and accessible zoning by-law that aligns with the Official Plan and reflects current best practices.

Building on the findings of this memo, four additional Technical Memos will be prepared to inform updated zoning within each of the distinct land use contexts within the Town:

- > Residential Areas (Technical Memo #2);
- > Employment and Commercial Areas (Technical Memo #3);
- > Agricultural, Open Space, and Parks (Technical Memo #4); and,
- > Environmentally Sensitive Areas and Hazards Lands (Technical Memo #5).

Each memo will outline background research, identify options, and present recommended directions. Additionally, the Technical Memos will be informed through a jurisdictional scan to highlight innovative approaches being used by other municipalities. Collectively, the Technical Memos provides a strong foundation for to inform the Zoning By-law Review.

The Zoning By-law Review will need to respond to the *Planning Act* that requires zoning to be brought into conformity with a new Official Plan within three years of the approval of an Official Plan. The new Official Plan remains with the Province for approval, and it will be necessary to align the new Zoning By-law with the Province's approval and any associated modifications. The Ministry of Municipal Affairs and Housing posted the Town's Official Plan on October 24, 2025, via the Environmental Registry of Ontario (ERO number: 025-1181), for public comment October 24, 2025, to December 8, 2025; provincial approval is forthcoming.

2 Key Principles of the Zoning By-law Review

Key principles establish the terms of reference for the Zoning By-law Review, providing a basis for identifying issues in the existing zoning framework, framing technical discussions, and developing directions for the new zoning by-law.

2.1 Section 34 of the Planning Act

A zoning by-law is a by-law enacted by municipalities under Section 34 of the *Planning Act*, that regulates land use and the location and form of buildings and structures. This is achieved through land use permissions and prohibitions, establishing measurable lot and building requirements, such as minimum yard, setbacks, building height, lot area, and landscaping. Zoning by-law can also regulate other matters such as parking and loading requirements, for example.

In Ontario, zoning by-laws do not typically regulate architectural controls, windows, fencing, business signage, lighting, on-street parking, or the composition of required landscaping. Further, zoning by-laws do not regulate tenure or ownership of land and buildings, property maintenance, nor do they zone for people or occupancy.

The Zoning By-law Review will support implementation of the new Official Plan by providing clear and enforceable regulations and development standards. In doing so, the zoning by-law helps turn high-level policy direction and growth objectives into implementable development outcomes, supporting the Town's updated vision to the year 2051.

2.2 Key Principles of the Zoning By-law Review

The key principles are informed by the new Official Plan, experience with implementing By-law 129-90, municipal zoning practice, and observed patterns in local development. The Official Plan identifies the zoning by-law and the Community Planning Permit System (CPPS) as the principal implementation tools, along with related initiatives such as Urban Design Guidelines (UDG). These tools are critical for advancing objectives related to land use, built form, and development within the Town.

Most of the Town is subject to the zoning by-law, which will be replaced with a new zoning by-law. However, the new zoning by-law will not apply to the Strategic Growth Areas (SGAs), which are key locations for accommodating intensification and redevelopment; rather,

the SGAs will be subject to a CPPS, which is under development concurrent with the Zoning By-law Review. **Appendix A** illustrates which areas of the Town are subject to the zoning by-law and which are subject to the CPPS.

Six key principles are proposed to guide the Zoning By-law Review:



Principle 1: Implementing the New Official Plan

In accordance with Section 34 of the *Planning Act*, the zoning by-law must be reviewed to ensure conformity with the Town's new Official Plan. It is the principal land use planning tool that is afforded to municipalities under the Planning Act to give affect to an Official Plan and implement the updated vision for the Town. A zoning by-law translates an Official Plan's strategic vision and policies into specific, enforceable regulations. Further, the *Planning Act* prohibits a zoning by-law from being more permissive than an Official Plan but does not preclude it from being more restrictive. For example, if the Official Plan does not permit a use on certain lands, then the zoning by-law cannot permit that use in that location. The Zoning By-law Review must take its direction from the Official Plan, and in some cases, the zoning by-law may be more restrictive than the new Official Plan. Section 7 of this Memo discusses conformity with the Official Plan in greater detail. A description of the Official Plan's land use designations and their intent is included in **Appendix B**.



Principle 2: A User-Friendly Zoning By-law

The zoning by-law serves as an implementation document relied upon by a wide range of users. The Zoning By-law Review aims to enhance clarity in interpretation and facilitate more streamlined day-to-day administration through a readable structure and straightforward language. The Official Plan provides additional direction on interpretation, including the use of defined terms and the meaning of directive language, which informs expectations for consistency and

clarity across implementation tools. Clear organization, the use of plain-language, illustrations, and document wayfinding can all support predictable interpretation, consistent administration, and broad accessibility to a range of users.



Principle 3: Contemporary Zoning Regulations

The Zoning By-law Review is intended to result in an updated zoning regime that implements the new Official Plan, aligns with current Provincial direction, and reflects contemporary zoning practice. The policies of the new Official Plan emphasize built-form expectations, protection of the natural environment, a multi-modal and connected transportation system, and the achievement of complete communities. A modernized zoning by-law in this context includes clarifying and harmonizing the interpretation of regulations such as permitted uses; improving consistency in how permissions and standards are organized and where they apply; introducing new requirements such as minimum bicycle parking spaces; and establishing or refining topic-specific provisions, such as additional residential units and short-term rental accommodations. The approach to developing a contemporary zoning regime will be informed through review of other municipal practice while being tailored to meet the interests of the Town.



Principle 4: Harmonization with CPPS and UDG

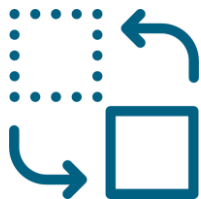
The Zoning By-law Review will be undertaken in coordination with the CPPS and UDGs to ensure they function as a complementary and harmonized implementation framework. This principle emphasizes that the new zoning by-law will be developed with careful consideration of how guidelines, standards, and requirements align with the CPPS and UDG. It includes how the new zoning by-law can support urban design and built-form expectations outside of the SGAs, while ensuring a

streamlined and consistent administrative framework between the CPPS and the new zoning by-law.



Principle 5: Meaningful and Transparent Consultation

The Zoning By-law Review is being supported by a meaningful and transparent consultation program that prioritizes working closely with Council, the community, interested parties, and Indigenous communities. The consultation program is designed to ensure the process is informed by community interests and that a range of different perspectives are considered. Input received through this consultation is important because it can highlight inputs that can be used to inform the new zoning by-law; this may include existing challenges with the administration of By-law 129-90, implementing official plan policy, development trends, and community aspirations. It is also understandable that landowners will have a heightened interest in the Zoning By-law Review, as the new zoning by-law will directly affect how they may develop and use their lands. Participation will support a new zoning by-law that is informed and where appropriate, is considerate of site-specific interests.



Principle 6: A New Zoning By-law

The Town may choose to either repeal or replace By-law 129-90. Under the repeal approach, By-law 129-90 would be replaced by a new zoning by-law, whereas the updating it would result in a comprehensive amendment to By-law 129-90. Given the anticipated scope and breadth of changes to By-law 129-90, it may be most effective to develop a brand-new zoning by-law. It is acknowledged that this may create some concern with respect to recent and active development applications. To address these concerns, zoning by-laws often establish transition clauses that speak to the status of ongoing applications when the new Zoning By-law comes into effect. Appropriate clauses should be developed as part of an overall transition framework to provide certainty and clarity to

landowners with respect to recent approvals and active applications. Matters related to transition are further discussed in Section 6.1.

3 Zoning By-law 129-90

3.1 Introduction

Zoning By-law 129-90, Office Consolidation October 21st, 2024 (“By-law 129-90”) was first adopted by Council on May 28th, 1990. Since that time, By-law 129-90 has been amended many times through site-specific development and general housekeeping updates. However, a comprehensive review has not been undertaken since the By-law was first prepared. Accordingly, key components of the By-law 129-90, such as permitted uses, defined terms, and development standards, may be outdated or require updating to align with current Provincial direction or the new Official Plan.

By-law 129-90 is of similar organization as most other zoning by-laws in Ontario that were adopted in the 1980s and 1990s. For example, in many cases site-specific development has been approved through an individual zoning by-law amendment. Over time, that list of amendments has grown to include additional new zone categories, regulations, definitions and exception zones. There are now almost 800 individual amendments that have been approved since By-law 129-90 was adopted, as well as numerous changes to individual regulations, such as definitions, general provisions, parking requirements, and development standards, for example.

The Zoning By-law Review will result in a user-friendly zoning framework that is accessible, easy to administer and update, and like the new Official Plan, represents an important step forward in realizing the community’s vision and aspirations for how growth and development is managed over the coming decades.

3.2 Overview of Zoning By-law 129-90

By-law 129-90 applies to all lands within the jurisdiction of the Town. The zoning by-law was last consolidated on October 21st, 2024, and includes all amendments current to that date. The By-law consists of 38 sections, four schedules, and several illustrations to support interpretation of various zoning concepts. As with all zoning by-laws, By-law 129-90 must be read and interpreted in its entirety to identify the applicable zoning provisions for a particular property or use. An overview of the sections of By-law 129-90 are as follows:

- > **Section 1: Application and Interpretation** – This section establishes the applicability of By-law 129-90, as well as direction on interpretation regarding zone boundaries, grammar, and the use of certain words and their meaning such as “shall”, “use”, and “occupy”.
- > **Section 2: Administration and Enforcement** – In Ontario, zoning by-laws are legal documents, and therefore the regulations are legally enforceable by a municipality, with contravention subject to penalties. Section 2 of the By-law establishes Council’s discretion to designate an administrator of the zoning by-law, as well as various provisions regarding inspection powers, occupancy certificates, orders to comply, and penalties for non-compliance such as fines.
- > **Section 3: Zone Category List** – This section contains a table that lists each of the nine zone categories and over 40 individual zones. The zone categories include the Agricultural and Rural Zones, Residential Zones, Commercial Zones, Industrial Zones, Institutional Zones, Public Zones, Open Space and Environmental Zones, Waterfront Zones, Holding Zones, and the Motorsports Speedway Zone. The table contains the full name of each zone, the zone symbol, and the section within By-law 129-90 where the zone is located.
- > **Section 4: Schedules to By-law** – This section first establishes that the schedules form an operative part of By-law 129-90 and then establishes each of the individual schedules. There are a total of six schedules, being Schedules A through F. A description of the schedules is attached to this Memo as **Appendix C**.
- > **Section 5: Definitions** – This section contains specific definitions for a range of terms that are used in By-law 129-90. There are nearly 400 defined terms established in this section, and in some cases, illustrations are used to assist with interpretation.
- > **Section 6: General Provisions** – This section establishes the general provisions, which are regulations that may apply to all lands and buildings, or specific uses that are permitted under multiple zones. General provisions support consistent development standards throughout the Town, further augmenting individual zone standards. Of note, Section 6 of the By-law contains the parking area regulations, which establish the minimum required parking spaces for permitted uses, as well as parking space

dimensions and permitted location on a lot. Minimum barrier-free parking regulations are also established.

> **Sections 7 to 37: Parent Zones –**

These sections establish the individual parent zones under each of the nine zone categories. Each zone section establishes permitted land uses, lot and building regulations, and also contains the exception zones for each of the individual parent zones. **Figure 1** provides an example of a typical zone regulations table (building standards) used within the parent zone sections.

10.3 REGULATIONS FOR DWELLINGS

Minimum Lot Frontage	18m 20m for a corner lot
Minimum Lot Area	600 sq. m.
Maximum Lot Coverage	Lot size < 600 sq m - 25 percent Lot size = 600 sq m 800 sq m - 30 percent Lot size > 800 sq m - 35 percent
Minimum Front Yard	7.5m
Minimum Interior Side Yard	(i) 1.5m for a one-storey dwelling (ii) 2.0m for 2 storeys (iii) 2.5 m for 2.5 storeys (iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.
Minimum Rear Yard	10m
Maximum Height of Building	i) 2.5 storeys ii) 9m

Figure 1 An example of building standards in By-law 129-90.

- > **Section 38: Approval** – This is the final section of By-law 129-90 and includes the effective date that the By-law was enacted by Council, as well as the signatures of the Mayor and Clerk at that time.

3.3 Preliminary Observations of By-law 129-90

There are a number of modifications that can be made to streamline By-law 129-90, make it more user friendly, and update it to reflect contemporary zoning practice and conform with the new Official Plan framework.

3.3.1 Definitions

There is a need to comprehensively review and update the defined terms to be aligned with more contemporary zoning practice. For example:

- > As By-law 129-90 is reviewed and updated, there is a need to ensure that all permitted uses are defined and that the permitted uses have a corresponding parking requirement.

- > There is a need to balance flexibility with prescriptiveness for permitted uses, while also avoiding duplication unless necessary. For example, “dry cleaning outlet”, “florist”, and “tailor and dressmaking shop” are all separately defined terms in By-law 129-90 but are also expressly captured under the definition for “personal service shop”.
- > Performance standards (i.e., numerical measurements) should typically not be embedded in the definitions but rather established through the general provisions or the parent zone regulations. As a best practice, it is suggested that definitions avoid the need to be varied as much as possible, and specific development standards should be contained in the provisions of the By-law.
- > Long lists of examples or exclusions should be avoided. Clear and concise definitions, as appropriate, contribute to improved interpretation and administration of zoning by-laws.
- > Definitions can be used as a means to regulate what are otherwise considered ‘prohibited uses’. It is a widely acceptable practice to define a use to be clear on the intent of the use but to not permit it within a given zone. Effectively, such a use is interpreted to be ‘prohibited’.
- > The use of illustrations can greatly contribute to the interpretation and understanding of defined terms, especially where there may be more complex concepts. For example, more contemporary zoning by-laws commonly employ illustrations to assist with interpretation of required yards, height, frontage, lot area, and dwelling typologies, among many others.

3.3.2 General Provisions

General provisions are a key component of zoning by-laws and may apply to all lands and buildings, or across various zones. The following preliminary observations are noted to help guide future review:

- > While Section 6 of By-law 129-90 contains most of the general provisions, they are also located in other sections of the By-law as well. For example, Section 18 contains additional general provisions for the Commercial Zones. Consolidating general provisions into one section of a zoning by-law assists with consistency between provisions and supports a more user-friendly document. Alternatively, provisions that

apply to specific zones or use categories (e.g., residential general provisions) may be located in the Residential zone section of a zoning by-law.

- > General provisions should use clear, concise language that is easily understandable to a broad audience. Reviewing the structure and organization of the general provisions also improves the accessibility of the zoning document itself.
- > By-law 129-90 contains some general provisions, such as Section 6.12 Lighting, that may be reviewed against the *Planning Act*.
- > General provisions should generally avoid establishing permitted uses or additional information that could be interpreted as an additional definition for certain terms. Doing so may result in conflicts with the definitions or the permitted uses within individual zones, leading to interpretation and administration challenges.
- > There may be situations where additional general provisions need to be added and other instances where overly complex or duplicate provisions could be removed or substantially modified. It is also noted that many of the existing general provisions can be modified to simplify the language and organization of the provision itself.

3.3.3 Parking Regulations

The parking regulations are established in Section 6 General Provisions of By-law 129-90. Typically, parking regulations are located in a stand-alone section of a zoning by-law, which is a widely applied practice and supports a more user-friendly document. On this basis, parking provisions need to be consolidated with a single dedicated section of the zoning by-law. This includes provisions for drive-through facilities and other zone-specific parking requirements that may be located in other sections of the By-law 129-90. Lastly, it is noted that minimum parking requirements for permitted uses will need to be reviewed and updated where necessary; this exercise will largely be based on benchmarking against more recent zoning by-laws.

3.3.4 Zones and Zone Standards

There are over 40 zones within By-law 129-90. It is recommended that opportunities to consolidate and streamline the overall zone structure is considered through the Zoning By-Law Review. There are a number of approaches that can be explored to support consolidation of

zones, for example overlays that are shown on the schedules, that can assist in reducing the number of regulatory zones and build flexibility into the by-law where possible. The structure of the regulatory zones could further be made more user-friendly by presenting the permitted uses for the zones in a tabular format versus being presented textually in a list, as By-law 129-90 currently does.

3.3.5 Holding (H) Symbols

Lands and zones that are subject to a Holding (H) Symbol are established in various sections of the By-law 129-90. There is opportunity to streamline these provisions to improve the clarity. There is an opportunity to consolidate the Holding (H) Symbols into a single, separate section of the new zoning by-law, which will contribute to a more user-friendly zoning by-law. This is an approach that some other municipalities in Ontario apply, including the Town of Oakville Zoning By-law 2014-014. Holding (H) Symbols are further discussed in Section 4.3 of this Memo.

3.3.6 Exception Zones

Exception zones are established through amendments to a zoning by-law pursuant to a *Planning Act* application or as a result of a decision and order from the Ontario Land Tribunal (formerly named the Ontario Municipal Board). As discussed previously, it is common for a zoning by-law of a similar vintage as By-law 129-90 to be amended over time and subsequently for many exception zones to be established. Exception zones in By-law 129-90 are contained in their respective parent zone section (e.g., the Residential (R1) Zone) and are textually formatted.

More contemporary zoning practice applies two approaches to the organization and formatting of exception zones. First, exception zones are often consolidated into a single, dedicated section of the zoning by-law, which creates a more intuitively organized and user-friendly document. Second, exception zones are commonly organized based on tabular format, rather than text. This also support a more accessible document, as the exception zone information is better organized and more readily accessible to the user. Lastly, the exception zones will need to be assessed to ensure that they are aligned with the principles of the Zoning By-law Review, including conformity with the new Official Plan. The exception zones are further discussed in Section 5.3 of this Memo.

3.3.7 Schedules and Mapping

Zoning by-law schedules support implementation of zoning regulations by illustrating where different permissions and standards apply. Typically, a zoning by-law includes one primary zoning schedule that assigns a zone to each parcel of land in the municipality, although some parcels may have multiple zones on them. In the latter scenario, this is commonly referred to as split zoning. In addition to the primary zoning schedule, zoning by-laws may include more context specific information, including overlays indicating flood plains, heritage areas, or other natural environment constraints; exception zone mapping; holding (H) symbol mapping; parking, public transportation, or road network overlays; or inclusionary zoning/ density bonusing mapping, for example.

There is also growing interest to make zoning information readily accessible to the public on the Internet. This has mostly included posting zoning maps, but has also included developing and integrating interactive mapping, as the Town already does, as well as other municipalities such as Niagara Falls, St. Catharines, and Grimsby.

Key directions for the Zoning By-law Review:

- > Zone boundaries that follow roads or linear feature should, as best as possible, be drawn to the centreline of those features. Supportive interpretation clauses are required in the administrative section of the new zoning by-law to support this interpretation. Most other boundaries can be drawn along the limits of those features, and interpretation clauses can be used to support boundary interpretation where new lots have not yet registered. By-law 129-90 currently establishes interpretation clauses for zone boundaries in Section 1.3(b).
- > The Town currently offers an interactive zoning map enabling users to enter an address and see parcel specific data including zone, if a holding symbol applies, the neighbourhood, whether is within the urban boundary and/or natural heritage system, and the total lot area, as shown in **Figure 2**. It is imperative to

Planning	
Neighbourhood	
Walden	
Within Urban Boundary	Yes
Within Natural Heritage System	No
Zoning	RM1(H)
Area	3700.46 Sqm

Figure 2: Example of zoning information available on the Town's interactive zoning map.

ensure that the zoning schedules are prepared in an accessible and easy to understand manner, but that the associated geospatial data is managed to enable the continued administration of the Town's interactive mapping tool.

- > Providing separate map sets displaying distinct zoning standards can help reduce clutter and allow the reader to quickly access more specific information without consulting the full zoning schedules. To an extent, this approach is consistent with By-law 129-90 such as Schedule B Road Allowance Requirements and Schedule D Geometric Design Standards for Parking.
- > Overlays function to apply additional regulations on top of the base zone maps. For example, this is an approach that may be desirable to implement certain built form expectations as identified through the UDGs, such as those that might apply to more established neighbourhoods or character areas within the Town.

4 General Trends in Zoning

4.1 Introduction

A principal objective of the Zoning By-law Review is to develop an updated zoning by-law that implements the new Official Plan, aligns with community expectations, and reflects contemporary zoning practice. This section highlights key considerations and opportunities that reflect general trends in zoning and can inform the development of a modernized zoning by-law. The themes summarized below have been selected because they reflect key policy directions in the new Official Plan and are therefore most directly relevant to the scope of the Zoning By-law Review. This background review includes Euclidean and form-based zoning; flexibility in the zoning framework; transportation and mobility trends; zoning administration, accessibility, and clarity; and additional considerations.

4.2 Euclidean and Form-based Zoning

Zoning by-laws shape how communities grow and evolve by determining what can be built and where. There are two primary approaches to implementing zoning: Euclidean zoning and form-based zoning. In Ontario, some municipalities also apply a hybrid approach incorporating both Euclidean zoning and form-based zoning, applying preferred elements of both approaches depending on the objectives and intent of the zoning regime.

Euclidean Zoning

By-law 129-90 is generally based on the Euclidean approach; the zones are organized by land use category and implemented through permitted-use lists and quantitative development standards. Site-specific outcomes are usually addressed through exceptions and special provisions. Euclidean zoning is consistent with the approach used by most Canadian municipalities. This includes the distinct separation of land uses into specific and separate zones, regulating development through minimum standards such as setbacks, building height, lot coverage, and parking requirements. This method is rooted in the more traditional practice of managing land use compatibility and mitigating potential impacts between different land uses, such as residential areas and heavy industrial areas, for example.

Form-based Zoning

In contrast, form-based zoning places greater emphasis on the intended built-form outcome by regulating development primarily through the size, placement, and design of the building envelope and its relationship to the street and public realm. A form-based approach typically uses more prescriptive built-form standards (often including both minimums and maximums) such as build-to lines and frontage requirements, minimum and maximum building heights, setback ranges, and standards for entrances, façade articulation, ground-floor activation, and the placement of parking and utilities. Uses may still be regulated but are often broader or more flexible within a defined built-form framework, with the intent of producing consistent streetscape and character outcomes across an area.

Key directions for the Zoning By-law Review

- > The new zoning by-law will generally be prepared under the Euclidean zoning approach. This approach is closely aligned with the direction of the new Official Plan for lands outside of the Strategic Growth Areas (SGAs) where the CPPS will otherwise apply.
- > Land uses will continue to be organized into distinct zones (e.g., residential, commercial, institutional, industrial, parks and open space, etc.) with specific use permissions and associated development standards that align with the applicable Official Plan designation and the associated policy intent.
- > Development standards will be reviewed based on development patterns, community input, the UDGs, and direction from the Official Plan and secondary plans, where applicable. The development standards will establish minimum requirements, including minimum standards for yards, setbacks, lot sizes, and parking, while establishing maximums on building heights and lot coverage.

While form-based zoning has gained popularity in other jurisdictions, its applicability in Ontario is limited pursuant to the *Planning Act*. Some municipalities, such as the City of Ottawa and City of Cambridge, have applied certain form-based regulations such as build-to lines, in what can be described as a 'hybrid' approach. This approach ensures that the zoning by-laws are aligned with the *Planning Act*, while affording municipalities an opportunity to have greater regulation over certain built-form design expectations and outcomes.

4.3 Increased Flexibility

Many traditional zoning by-laws in Ontario regulate land use through detailed and prescriptive lists of permitted uses, definitions, and lot and building requirements. While this structure was intended to manage compatibility between different uses (i.e., based on Euclidean zoning), it can also result in rigid zoning that requires frequent minor variances or amendments for otherwise desirable and appropriate development that conforms to an Official Plan. As municipalities modernize their zoning by-laws, many seek to introduce greater flexibility in how land use is regulated to simplify administration and better accommodate changing economic and development trends. Increasing flexibility can also help a zoning by-law remain relevant over time, reducing the need for frequent amendments and supporting provincial direction for complete communities.

Key directions for the Zoning By-law Review:

- > Prescriptive zoning frameworks can create inflexibility. Detailed lists of permitted uses and narrowly defined categories often mean that otherwise appropriate development must seek minor variances or zoning by-law amendments to proceed. This can be cumbersome, resource intensive, and create uncertainty for the development community as well as elected representatives, residents, and staff.
- > Across Canada, many municipalities are moving towards broader land use categories. For example, the City of Cambridge's draft Comprehensive Zoning By-law introduces Core Mixed Use Zones, which permit a range of uses in core areas such as Main Streets to encourage the development of higher-density, walkable communities. Another example of this is discussed previously in this Memo under Section 3.3.1 regarding "personal service shop", a definition that includes a range of uses that offer everyday amenities but that otherwise do not require separate definitions.
- > Regulations should focus on impacts rather than on minor differences between uses. In many cases, similar businesses, such as florists or beauty salons, have comparable neighbourhood impacts and may not require separate regulatory categories. Alternatively, there may be a need to distinguish between specific land uses because although they may offer a similar amenity, that create different impacts to surrounding land uses, such as higher demand for parking, for example.

- > Greater flexibility can simplify zoning administration. Broader use permissions can reduce the need for site-specific exception zones and discretionary approvals, while still having regard for compatibility and community character.
- > There is less emphasis on the distinct separation of land uses, and more emphasis on built-form outcomes and how people experience the physical environment. This means that additional flexibility in regard to what is permitted and where, as well as accommodating a broader range of building typologies, reflect current development trends and aspirations for a more complete, compact community.

4.4 Transportation and Mobility

Modern zoning by-laws now have a more direct role in shaping mobility outcomes and patterns by supporting active transportation, accommodating emerging vehicle technologies, and responding to changing travel behaviours. Municipalities are using land-use regulation as a tool to support more sustainable, flexible, and responsive transportation systems, while balancing associated development costs and affordability. For example, this includes minimum bicycle parking requirements, Electric Vehicle (EV) ready parking stalls, reduced or eliminated parking minimums, and context-sensitive parking rates.

Key directions for the Zoning By-law Review:

- > Municipalities are updating their zoning by-laws to better integrate land use and transportation planning. This includes, for example, tying land use permissions for certain built-forms and building typologies to road classifications, recognizing the inherent relationship between land use and the transportation and mobility network.
- > Bicycle parking requirements, including minimum bicycle parking spaces and facilities, are increasingly mandated to support active transportation.
- > EV adoption is driving zoning requirements for EV-ready parking, including in some Ontario municipalities, such as the City of Hamilton and City of Ottawa.
- > Many Canadian municipalities are moving away from parking minimums, towards reduced requirements, parking maximums, or standards that are based on land use policy context (sometimes referred to as a precinct-based approach).

- > Changing travel patterns, such as ride sharing, micromobility, remote work, and delivery services, are reshaping transportation infrastructure needs, including decreased car ownership and increased demand for curbside loading spaces and development densities that can sustain transit service.

4.5 Administration, Accessibility and Clarity

Zoning by-laws are often viewed as being overly technical and inaccessible, making it challenging for the general public to understand and meaningfully participate in planning processes despite the impact zoning has on everyday life. In response, many municipalities are rethinking how zoning information is communicated, shifting towards clearer language, visual illustrations, and interactive digital formats that make complex regulations easier to navigate. Through web-based by-laws, illustrations and diagrams, interactive mapping, and emerging tools such as AI-assisted guidance, municipalities are advancing the public's understanding of land use planning, improving transparency and interpretation, and supporting more meaningful public participation in the planning process.

Key directions for the Zoning By-law Review:

- > Traditional zoning by-laws, both Euclidean and form-based, can be dense and challenging for the public to understand and interpret. Zoning by-laws should be prepared in a manner that aims to reach a broad audience with varied levels of zoning familiarity. To assist with this, the new zoning by-law will include a non-operative user guide, document wayfinding, illustrations, and non-operative explanatory notes.
- > Municipalities are prioritizing accessibility through plain language, illustrations, hyperlinks to definitions, and web-based formats.
- > A growing number of municipalities have deployed interactive zoning maps which improve usability by allowing users to search for addresses, toggle layers, and click on properties to view parcel-specific information.
- > As discussed previously in this Memo, the clarity and interpretation of By-law 129-90 can be much improved through the reorganization, consolidation, and streamlining to improve accessibility, interpretation, and implementation.

Additional considerations that the Town may explore include implementing an interactive, HTML-based zoning by-law which allows the user to access definitions and key illustration in an interactive manner, as shown in **Figure 3** below.

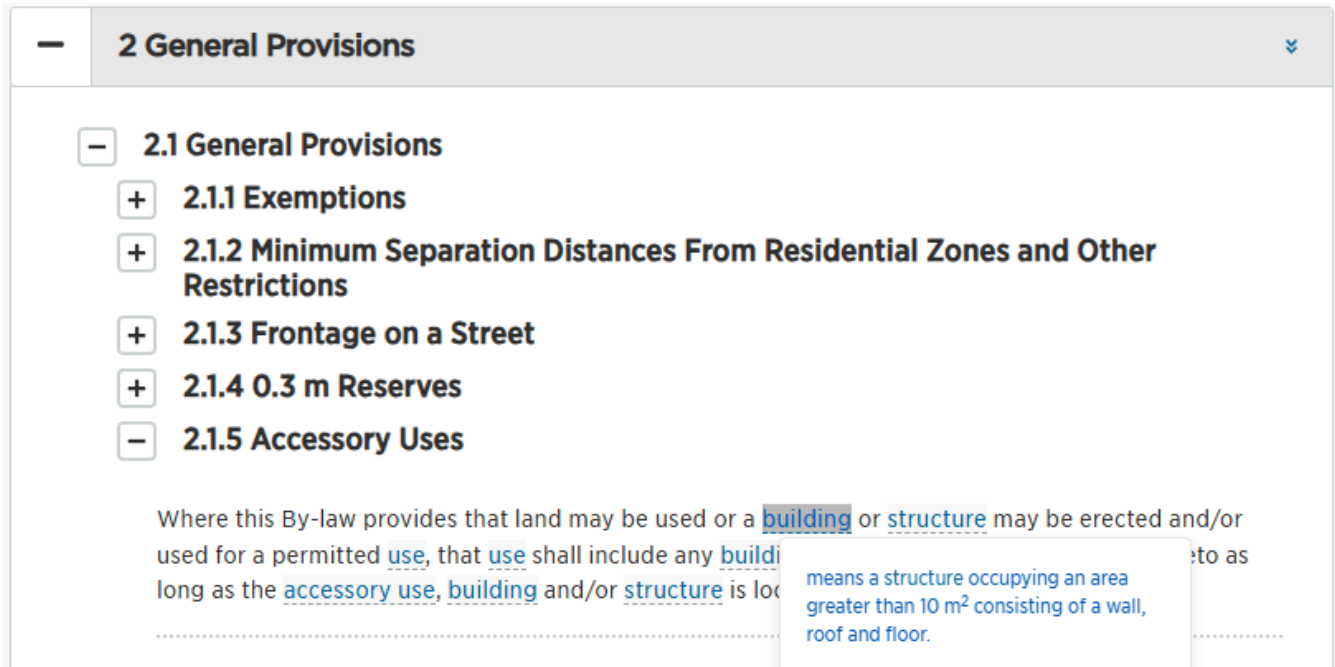


Figure 3: Example of an HTML-based zoning by-law, from the City of Mississauga.

4.6 Other General Trends in Zoning

Zoning by-laws are evolving in response to emerging policy direction, market conditions, and community priorities. In addition to the aforementioned general trends, municipalities are updating their zoning regimes to improve flexibility, support housing supply, protect the environment, and shape the built environment. The following are some additional key trends that may inform the Zoning By-law Review:

- > **Zoning for Land Use Compatibility:** Across Canada, many municipalities are moving from strict separation of land uses towards zoning that manages land use compatibility through development standards, such as setbacks, buffering, and built form. This approach emphasizes flexible land use permissions in order to provide more opportunities to achieve complete communities.

- > Urban Design: Zoning by-laws regulate building height, massing, and setbacks which help shape the built form and public realm, where there is otherwise limited control for municipalities to control design outcomes. Increasingly consideration is being given to how zoning by-law can support implementation of UDGs, while balancing prescriptive standards with the flexibility required to accommodate evolving development trends.
- > Housing and the “Missing Middle”: To help increase housing supply, many municipalities have expanded permissions for a broad range of low- and medium-density housing typologies, such as duplexes, triplexes, and townhouses, within existing residential zones. It is important to note that the province regulations currently permit three dwelling units as-of-right on fully serviced residential lots.
- > Environmental Constraints: Zoning by-laws are introducing more robust provisions and regulations to help protect natural features and hazard lands by requiring setbacks and buffers, in addition to applying environmental protection zones and overlays to zoning schedules.

5 Zoning By-law Administration

5.1 Introduction

This section addresses key considerations regarding the administration of By-law 129-90, including transitional matters, exception zones, holding symbols, and minor variances. Analyzing how these components of the By-law are currently administered helps identify opportunities to enhance clarity, consistency, and flexibility, while reducing administrative effort and providing more certainty to landowners and the community moving forward.

5.2 Transitional Matters

5.2.1 Introduction

When a new zoning by-law is adopted and the former by-law is repealed, it is important to consider how recent, in-progress, or active planning applications are treated. For a period, the Town will need to administer two in-force zoning by-laws. Accordingly, zoning by-laws often include provisions to handle the transition between existing and new zoning frameworks. These provisions clarify whether certain applications submitted before the new by-law comes into force may continue to be reviewed under the previous zoning requirements, subject to defined conditions.

Transition provisions support clarity and continuity in the development review process by reducing the likelihood that projects already advanced through planning approvals become non-compliant solely due to the timing of a new zoning by-law coming into force. They also help avoid unnecessary redesign or repeat approvals for applications that are already underway, while still supporting implementation of the new zoning framework within a defined period. By-law 129-90 does not contain comprehensive transition clauses but does include some provisions that recognize continued lawful use and matters related to building permit issuance.

5.2.2 Applicability of Transition Provisions

Transition provisions typically identify which application types are eligible and define eligibility conditions for a range of application types, including:

- > **Building Permits:** Building permits are often addressed because they represent the final step before construction. Transition provisions may protect building permit applications that are already submitted (or issued), so projects can proceed without being reworked to meet new standards.
- > **Site Plan Approvals:** Site plan applications typically involve detailed design and multiple iterations. Transition provisions may allow site plan applications that were submitted before enactment to continue under the prior zoning framework.
- > **Minor Variances:** Minor variances may be pursued to address relief from existing zoning standards and can be closely tied to site-specific design. Transition provisions may clarify how variances under consideration are treated when the underlying by-law changes.
- > **Zoning By-law Amendments:** Proposed zoning by-law amendments may be affected when By-law 129-90 is replaced and should be updated to reflect the zones utilized in the new zoning by-law. Transition provisions will clearly outline how applications already in process will be addressed during the transition period. Municipalities such as Brampton, Vaughan, and Ottawa have zoning by-laws which include comprehensive transition provisions.
- > **Consents (Severances):** Consent applications may be affected if new zoning standards change minimum lot area/frontage or other requirements that affect developability. Some transition frameworks include consents to reduce disruption to applications in process.
- > **Plans of Subdivision:** Subdivision applications often involve multi-year planning and coordination of servicing. Transition provisions may address how applications already in progress proceed following the enactment of the zoning by-law.
- > **Plans of Condominium:** Condominium applications may be treated similarly to subdivisions, particularly when tied to detailed site planning and building design.

5.2.3 Key Directions for the Zoning By-law Review

Transition provisions should establish a clear framework to recognize recent and in-progress development applications while supporting the timely implementation of the zoning by-law. Key directions include:

- > Establishing clear eligibility criteria, such as applications submitted before the enactment date and deemed complete, and identifying the application types eligible for transition.
- > Identifying the specific application types covered by the transition provisions.
- > Clarifying which zoning rules apply to transitioned applications (previous by-law, new by-law, or a defined approach).
- > Including a maximum timeframe within which eligible applications must proceed to a defined milestone, such as approval and/or building permit issuance. A defined transition window is commonly used, often approximately three years from enactment, and may vary by application type.
- > Including a sunset clause for when transition provisions expire, such as five years after council adoption of the zoning by-law.
- > Stating the outcome where the transition timeframe is not met, such as the application proceeding under the new by-law.
- > Clarifying how changes to a transitioned application are handled, including whether certain changes affect transition eligibility.
- > Clarifying how transition provisions apply to phased development and related approvals.

The transition provisions will be developed in a future phase of the Zoning By-law Review in consultation with Town staff and input through public consultation. It is important that the transition framework is tailored to the Town's needs, supports implementation of the new zoning by-law, and applies a fair approach to recognizing recent and active development applications.

5.3 Exception Zones

5.3.1 Introduction

An exception zone is a site-specific amendment to a parent zone where proposed development does not or cannot fully satisfy the requirements of a zoning by-law. An exception zone is illustrated on the zoning schedules and is typically denoted using the parent

zone code plus a dash-number (e.g., “RM1-333”, “R2A-800”, etc.). These exception zones are used to modify one or more elements of the parent zone, commonly to enable additional permitted uses and/or provide exceptions to key building standards such as setbacks, minimum lot area, lot frontage, lot coverage, height, parking or other requirements. Where an exception zone does not otherwise modify the regulations of a zoning by-law, it is interpreted that all other zoning provisions continue to apply.

5.3.2 Characterization of Exception Zones in By-law 129-90

A review of Fort Erie’s exception zones was completed summarizing the range of amendments to permitted uses and building standards; the summary is included in the **Appendix D**. The purpose of this exercise is to identify general trends in amendments to By-law 129-90, rather than to evaluate individual exceptions or their merits at this time; that will be undertaken more fulsomely at a later stage of the Zoning By-law Review.

The observations presented in **Appendix D** support understanding of how the by-law has been implemented and adapted over time and highlight where updates to By-law 129-90 may be warranted. This information will be subsequently reviewed in more detail through the remaining Technical Memos as they relate to the applicable land use context.

5.3.3 Key Directions for the Zoning By-law

Each exception zone will be evaluated as part of the Zoning By-law Review to confirm it is necessary to be carried forward and consolidated into the zoning by-law. This review process provides an opportunity to delete or consolidate existing exception zones. This exercise will be undertaken by establishing evaluation criteria to assess each exception zone and determine if it should be maintained, modified, or deleted. When determining this, the assessment may consider evaluation criteria such as:

- > **Timeliness and relevance:** Whether the exception zone was approved within a defined timeframe or cut-off period and remains relevant to ongoing development or approvals. The Zoning By-law Review may recommend establishing a cut-off timeframe, with further consideration given on a case-by-case basis. For example, it may be that some exception zones conform to the new Official Plan, in these cases it may be appropriate to carry them forward regardless of when they were established.

- > **Conformity with the new Official Plan:** Whether the exception zone conforms to the Official Plan and objectives for growth and development in Fort Erie.
- > **Need under the Zoning By-law:** Whether the exception zone is required given the new, as-of-right permissions or standards in the new zoning by-law.
- > **Development status:** Whether the property subject to the exception zone has been built out, remains under active development or is intended to be developed, or no longer requires the approved amendment.

These criteria will be refined and finalized in a future phase of the Zoning By-law Review, and a tracking table will be developed as part of the zoning by-law preparation. As discussed previously in this Memo, it is recommended that the exceptions be consolidated into a single, dedicated section within the zoning by-law and sorted in numerical order to improve usability. As part of the Zoning By-law Review, the Town may also consider implementing a tabular format for exception zone provisions to streamline their organization, improve readability, and support administration. Municipalities such as the Town of Oakville, City of Brampton, and Town of Lakeshore use a tabular format for exception zones, see **Figure 4** below. Lastly, the zoning schedules and online mapping will be updated to include the exceptions which are carried forward and aligned with their updated organization.

431	1300, 1316, 1326, 1342 and 1350 Bronte Road (Part of Lot 31, Concession 2, S.D.S)	Parent Zone: RM2
Map 19(11)		(2024-029) OLT-22-004487
15.431.3 Special Site Provisions		
a)	<i>Corner lots shall be deemed to be interior lots for the purpose of measuring established grade.</i>	
b)	<i>Established grade to be taken at the centre point of the front lot line of each townhouse dwelling.</i>	
c)	<i>Private garages shall exclude a portes-cochere.</i>	
d)	To qualify for minimum <i>landscaping coverage</i> and individual area of <i>landscaping</i> provided on a <i>lot</i> shall contain and area with a minimum dimension of 1.5 metres by 1.5 metres and may include additional area of lesser dimensions provided the additional area is contiguous to the 1.5 metres by 1.5 metre area.	

Figure 4: An example of a tabular format for an exception zone from the Town of Oakville Zoning By-law 2014-014.

5.4 Holding Symbols

5.4.1 Introduction

Holding (H) symbols, indicated as “(H)” in zoning, are temporary restrictions used under Section 36 of the *Planning Act*. They allow the “base” parent zoning to remain in effect, while preventing or limiting development until certain conditions are satisfied by the landowner. In most municipalities, the conditions pertain to infrastructure or servicing capacity, completion of required technical studies, or execution of necessary agreements.

In By-law 129-90, the Holding (H) Zone is explicitly described as limiting development until Council passes a by-law to remove the symbol, at which point the parent zone regulations come into force. The hold is typically removed through an amending by-law as adopted by Council, also referred to as a “hold removal,” under Section 36(4) of the *Planning Act*, once a municipality is satisfied that the conditions are met.

5.4.2 Characterization of Holding (H) Symbols in By-law 129-90

Holding (H) symbols in By-law 129-90 are typically found within the exception zone to which they apply and are presented in numerical order. The Town commonly uses holding symbols to establish servicing and infrastructure requirements and to ensure required upgrades or construction works are completed before development proceeds. This is illustrated in staff recommendations to apply a holding provision until capacity constraints are addressed to the Town’s satisfaction, and by subsequent by-laws removing the hold once supporting technical work demonstrates capacity is available. Holding (H) Symbols have been used most frequently in Residential Multiple zones, followed by Residential and Rural zones. The distribution of Holding (H) Symbols by parent zone in By-law 129-90 is shown in **Figure 5** below.

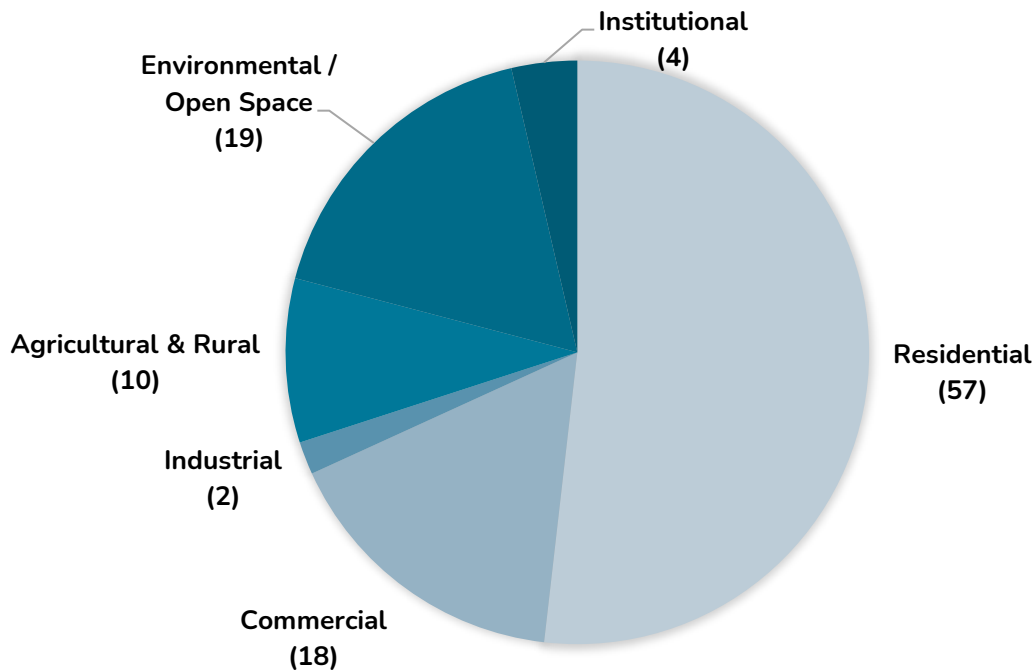


Figure 5: Number of Holding Symbols by Zone

A more detailed review of the Holding (H) Symbol is included in **Appendix E**. The Municipality of Lakeshore's Comprehensive Zoning By-law 2-2012, updated in 2019, includes a dedicated section for holding zone provisions, which outlines the extent of permitted uses while the holding symbol is in place and the conditions required for the holding symbol to be removed. The Town may wish to consider applying a similar approach as Lakeshore in order to capture all the holding symbols in a consolidated and sequential manner (e.g., H1, H2, H3, etc.) and to avoid the use of exception zones to apply holding symbols. The conditions associated with Holding (H) Symbols can generally be characterized as:

- > Demonstrating servicing or infrastructure readiness or capacity, and completing upgrades if needed;
- > Completing environmental studies and any required remediation;
- > Securing site plan approvals and related agreements;
- > Entering into development or subdivision agreements;
- > Completing grading/drainage and related site or road works;

- > Addressing land use compatibility matters; and
- > Applying certain development standards such as density, permitted uses, or phased development while prerequisite requirements are being addressed.

To summarize, holding symbols are used to ensure that key conditions related to servicing, infrastructure, or planning requirements, are addressed before development proceeds.

5.4.3 Key Directions for the Zoning By-law

As part of the Zoning By-law Review, an assessment of the Holding (H) Symbols will be undertaken to determine which remain active and which may no longer be required because the conditions have otherwise been satisfied or the Holding (H) Symbol has expired. Moving forward, maintaining a simple “holding symbol register” that documents the following is recommended: the conditions, the constraint being addressed, and the expiration date (if applicable). This approach improves transparency and reduces uncertainty for staff, Council, and landowners. A dedicated section in the new zoning by-law is recommended for this purpose.

5.5 Minor Variances

5.5.1 Introduction

A minor variance is a planning tool that allows property owners to seek relief from specific zoning regulations when they cannot be satisfied. Minor variances are typically sought for minor changes to zoning requirements, modest extensions or changes to legal non-conforming uses, to permit an additional use, or to vary a defined term to clarify a permitted use. Applications for a Minor Variance are subject to Section 45(1) of the Planning Act and ultimately a decision by the Committee of Adjustment. Through the new zoning by-law, there is an opportunity to reduce the need for minor variances by updating standards that are not working well in practice, particularly where similar variances are routinely supported by staff and approved.

5.5.2 Characterization of Minor Variances in By-law 129-90

Over 200 minor variances to By-law 129-90 were approved between 2023 and 2025. The vast majority of minor variances are concentrated in the Residential Zones; in particular, the

Residential 2 Zone (R2) had 49 minor variances, the Residential 1 Zone (R1) had 47, and the Residential 2B Zone (R2B) had 31. The waterfront and rural zones have also been subject to a higher number of minor variances: 19 in the Waterfront Rural Residential Zone (WRR), 16 in the Rural Residential Zone (RR), and 12 in the Waterfront Residential Zone (WR). Notably, the other zone categories had less than five minor variances each.

The minor variances are summarized and characterized in **Appendix F**. The intent of the analysis is to identify high-level patterns that may be indicative of, or highlight the need to, update or modify provisions and standards to better align with local development trends. A more comprehensive analysis will be completed by zone in subsequent technical memos.

Across the zones with higher instances of minor variances, the most frequent relief requested was to reduce yard setbacks to accommodate extensions or accessory structures such as sheds, decks, and porches. There were also several minor variances seeking permission to accommodate lot frontages and lot areas below the minimum requirements; in most cases, these minor variances were the result of lot severances or changes to existing lot configurations. A secondary theme was increased lot coverage and to permit building or accessory structure heights beyond the maximum permitted. Several minor variances sought relief from parking, driveway, and landscaping regulations; however, these were generally context-specific for multi-unit developments, and in commercial and institutional zones.

5.5.3 Key Directions for the Zoning By-law

A high number of similar minor variance applications can often indicate that a zoning by-law is not well aligned with current development patterns or desired development outcomes. A new zoning by-law can consider this by updating regulations to reflect common minor variance requests where there is still conformity with the Official Plan and a demonstrated development trend. This approach may lend itself to reducing the number of minor variances that are sought through updated zoning regulations.

Key directions for the Zoning By-law Review include:

- > Reviewing building regulations such as minimum yard setbacks to ensure they balance community character and development patterns, noting that Bill 60 (the *Fighting Delays, Building Faster Act*, 2025) has expanded as-of-right setback variances.

- > Introducing clearer permissions for common building features such as decks, porches, and accessory structures, and permitting encroachments into required yard setbacks or clarifying height and setback provisions.
- > Updating building standards in the rural zone to allow modest increases in height or flexibility for agricultural and agricultural-related buildings.
- > Clarifying definitions or including diagrams or illustrations to support interpretation and consistent administration.

The subsequent Technical Memos will address minor variance trends within each of the applicable land use categories in greater detail to inform considerations for updated zoning regulations.

6 Official Plan Conformity

6.1 Introduction

The new Official Plan will be implemented through the zoning by-law, which translates policy direction into detailed land use permissions and regulations. This work is also the primary reason the Zoning By-law Review was initiated: following approval of an updated Official Plan, the Planning Act requires municipalities to amend in-effect zoning by-laws within a prescribed timeframe to ensure conformity with the updated Official Plan. This section outlines key considerations from the Official Plan, including how its policies and associated secondary plans are implemented and how they inform the Technical Memo series supporting the Zoning By-law Review.

6.2 Official Plan

The new Official Plan establishes an updated land use planning policy framework for the Town and a renewed vision for how the community intends to manage growth and change. The new Official Plan is the guiding land use planning framework upon which the new Zoning by-law will be based. Therefore, conformity with the new Official Plan is fundamental to the Zoning By-law Review, as discussed previously in this Memo.

The Zoning By-law Review will be informed by a series of Technical Memos, with this Memo being the first. The remaining Technical Memos are as follows:

- > Residential Areas (Technical Memo #2);
- > Employment and Commercial Areas (Technical Memo #3);
- > Agricultural, Open Space, and Parks (Technical Memo #4); and
- > Environmentally Sensitive Areas and Hazards Lands (Technical Memo #5).

The focus of each Memo has intentionally been identified to address the Town's various land use contexts as contemplated by the new Official Plan.

While each Memo will assess Official Plan conformity for each land use context in more detail, the following is a summary of key conformity considerations:

1. **Residential Areas:** These areas generally include homes, schools, and parks are where people live, learn, and come together. The Official Plan designates these areas as Community Area. Key considerations for the Zoning By-law Review include permitting a range of housing options and dwelling typologies, and regulating additional residential units, short-term accommodations, and infill and intensification development.
2. **Commercial Areas:** While most commercial areas are located within the SGAs and therefore will be subject to the CPPS, there are several other commercial areas throughout the Town. Generally, these area support the local community, such as in Stevensville, or have a specific relationship to surrounding land uses, such as those in proximity to the QEW. The new Official Plan designates these areas as Commercial. Key considerations for the Zoning By-law Review include regulating commercial uses based on their intended function, such as general or community commercial uses, highway-oriented commercial uses, and recreational commercial uses such as golf courses and driving ranges.
3. **Employment:** These areas generally include the Town's industrial uses, such as manufacturing, warehousing, and the movement of goods. These areas are designated Employment. The new Official Plan implements recent provincial direction that restricts the range of land uses within Employment Area than what was previously permitted. A key consideration for the Zoning By-law Review is to implement the new Official Plan in accordance with this provincial direction, but to also recognize lawfully existing uses within Employment Areas that are no longer permitted per Provincial direction. Other conformity considerations include landscaping, outdoor storage, parking and loading areas, and site design.
4. **Agriculture and Rural Areas:** These areas include farmland and rural areas within the Town. The applicable designations are Agriculture and Rural Area. Key conformity considerations include supporting the long-term viability of agricultural through additional land use permissions including Agriculture-related Uses, On-farm Diversified Uses, and Home Industries.
5. **Open Space, Parks and Recreational Uses:** These areas, designated as Open Space, offer both passive and active recreational opportunities, such as trails, playgrounds,

sporting fields, and indoor facilities. The Town recently approved a Parks and Open Space Master Plan, which policies of the new Official Plan contemplate and give affect to. The key conformity consideration is to ensure that permitted uses are aligned with the intended function of the Town's various open spaces and parks, and that the parks classification system is appropriately recognized by the zoning by-law.

6. **Natural Environment System and Hazard Lands:** These areas include lands that are more naturalized and may contain significant natural heritage features or functions, as well as lands that present risk to life and property, such as flood or erosion prone areas. The new Official Plan establishes an updated policy framework for the Town's Natural Environment System and Hazard Lands. As part of the Zoning By-law Review, the zone schedules and provisions will be updated to protect these areas from development and incompatible land uses. Section 34(1) of the Planning Act, authorizes a municipality to regulate the permitted uses and development on hazardous lands and within significant natural heritage features that are mapped.
7. **Site-specific Policy Areas:** The new Official Plan establishes several site-specific policies to various lands and properties throughout the Town. In some cases, the site-specific policy areas establish that the zoning by-law must be updated to implement the policy direction. An example is Site-specific Policy Area 36 Fort Erie Waterfront Area, where the policy states that "The implementing zoning by-law will establish more detailed direction regarding the size, scale, orientation, and character of lots and buildings within the Lake Erie Waterfront Area."

6.3 Secondary Plans

6.3.1 Overview and Purpose

A secondary plan is a land use planning document that is part of an Official Plan and provides more detailed land use planning direction on matters such as land use, urban design, transportation, infrastructure, and placemaking, ensuring that development reflects local considerations and the Official Plan's overarching vision.

There are eight adopted secondary plans currently in Fort Erie, while others have been identified to be undertaken in the future, as shown in **Appendix G**. Each adopted Secondary Plan applies to a defined plan area and is implemented through a corresponding Official Plan

Amendment (OPA) that establishes neighbourhood-specific land use designations and policies to guide development and change over time. The land use designations of the Secondary Plans are generally aligned with the parent Official Plan, and do not contain separate or distinct land use designations.

6.3.2 Fort Erie's Secondary Plans

There are currently eight secondary plans, seven of which are in full force and effect, and one which includes site-specific lands that are under appeal. The secondary plans are reviewed as follows:

Crystal Beach Secondary Plan (OPA 56)

The Crystal Beach Secondary Plan was approved by an Ontario Land Tribunal decision on September 5, 2023, together with the implementing zoning by-law; however, four site-specific properties remain under appeal, and in these cases, the Secondary Plan policies do not apply while the appeals are ongoing. The adopted Official Plan Amendment includes schedules addressing the Land Use Plan, Natural Features/Natural Hazards and Fish Habitat, Parks and Open Space, Transportation Systems, and the Active Transportation Network, which provide area-specific direction to be implemented through the zoning by-law.

Bridgeburg Secondary Plan (OPA 5)

The Bridgeburg Secondary Plan was adopted by the Town in 2010. The Secondary Plan establishes a range of land use designations, including residential, commercial, mixed-use, institutional, and open space. The schedules also identify defined policy areas, including a Core Mixed-Use Area, a Central Business District, a brownfield site (West Jarvis), an adaptive reuse site (Mentholatum), an Industrial Drive floodplain area, a potential riverfront public plaza site (Coal Docks), and a North Bridgeburg/Frenchman's Creek area.

Gateway Secondary Plan (OPA 6)

The Gateway Secondary Plan applies to lands generally east of Concession Road, west of the Niagara River, north of Lake Erie, and south of the Queen Elizabeth Way (QEW), a provincial highway. The Secondary Plan establishes residential, mixed-use, commercial, institutional,

and open space designations. Certain lands within the Secondary Plan are designated Peace Bridge, given their planned function as it relates to the Peace Bridge, a major international border crossing.

Spears-High Pointe Secondary Plan (OPA 8)

The Spears–High Pointe Secondary Plan was approved by Niagara Region in 2013 and is in effect. The Secondary Plan identifies Garrison Road, a major corridor, as a focus for intensification and a range of land uses, including medium- and high-density residential, commercial, mixed-use, employment, and open space. The policies contemplate a mix of housing options, an attractive built form, active transportation, and protection of natural features and open space areas.

Ridgeway-Thunder Bay Secondary Plan (OPA 15)

The Ridgeway–Thunder Bay Secondary Plan was approved by Niagara Region in 2013 and is in effect. The Secondary Plan establishes residential, commercial, mixed-use, institutional, open space, and environmental protection land use designations. Certain residential designations are subject to specific density requirements, such as “Low Density Residential (up to 25 units per hectare)” and “Medium Density Residential (25 to 75 units per hectare).”

Stevensville Secondary Plan (OPA 24)

The Stevensville Secondary Plan was modified and approved by Niagara Region and is in effect. The secondary plan identifies specific housing targets and promotes a mix of land uses, including residential, commercial, mixed-use, industrial, open space, and environmental protection. It is important to note that the Secondary Plan defers specific policy direction for lands within a planned transportation corridor study area until the provincial environmental assessment process is complete. These lands are within the Proposed Niagara to Greater Toronto Area Corridor.

Douglastown-Black Creek Secondary Plan (OPA 28)

The Douglastown–Black Creek Secondary Plan came into effect in 2016. Several land use designations are established, including residential, commercial, open space, and environmental protection, among others. The schedules also address matters related to

provincial compliance, natural features and open space, natural hazards and fish habitat, as well as transportation systems.

Southend Secondary Plan (OPA 37)

The Southend Secondary Plan was modified and approved by Niagara Region Council in 2018. The policies of the Secondary Plan address waterfront-oriented development, redevelopment along the Niagara Boulevard corridor, and targeted residential intensification and infill. The Secondary Plan establishes a range of land use designations, including residential, mixed-use, commercial, institutional, industrial, and open space. Certain lands within the Secondary Plan are also designated Peace Bridge, given their proximity to the Peace Bridge and the unique function of those lands as a major international border crossing.

6.3.3 Key Directions for the Zoning By-law

One of the primary purposes of the Zoning By-law Review is to ensure the zoning by-law is in conformity with the new Official Plan. Given that the secondary plans form part of the Official Plan, the new zoning by-law must be in conformity with the Secondary Plans. Zoning is required to conform to secondary plans that are in full force and effect, translating land use permissions, building regulations, and built-form policies into clear, implementable provisions and regulations. The following are key directions for the Zoning By-law Review:

- > Both the Official Plan and Secondary Plans identify zoning by-laws as an implementation tool. In accordance with Section 34 of the *Planning Act*, the implementing zoning by-law will need to conform to the Official Plan and Secondary Plans.
- > Secondary plans may provide specific direction regarding development standards that are required to be implemented through the zoning by-law. As part of the Zoning By-law Review, the secondary plans will need to be reviewed to identify where policy expressly requires implementation through the zoning by-law. In some cases, the policies may permit the zoning by-law to establish more detailed regulations than what the policies of the Secondary Plans contemplate.
- > The Secondary Plans establish land use designations and detailed direction regarding permitted uses and development standards. Generally, it appears that there is

reasonable alignment between By-law 29-190 and the Secondary Plans. However, further assessment is required through the Zoning By-law Review to ensure the Secondary Plans are implemented through the new zoning by-law.

- > The Zoning By-law Review will carefully review and document site-specific policies from the secondary plans to assess the need to be implemented through the new zoning by-law.
- > For secondary plans under appeal, such as the Crystal Beach Secondary Plan, the zoning by-law should take a cautious approach and maintain existing zoning or use holding provisions, as appropriate. The zoning by-law should be consistent with the Official Plan and anticipate that future updates may be required once appeals are resolved.

7 Conclusion

Technical Memo #1: General Issues establishes the foundation for the Fort Erie Zoning By-law Review by describing the role of Official Plan conformity, setting out principles for a modern, user-friendly zoning framework, and identifying key opportunities to streamline and update By-law 129-90. These directions include improvements to definitions, general provisions, parking, zoning categories, exceptions, holding provisions, mapping, and transitional measures.

This memo also places these directions within the context of broader zoning trends and administrative considerations, clarifying the implementation of the Official Plan and related secondary plans. In summary, this Memo identifies a preliminary strategy for the Zoning By-law Review, which will be guided by additional Technical Memos and ongoing consultation to deliver a modernized, user-friendly, and defensible zoning by-law.

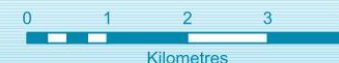
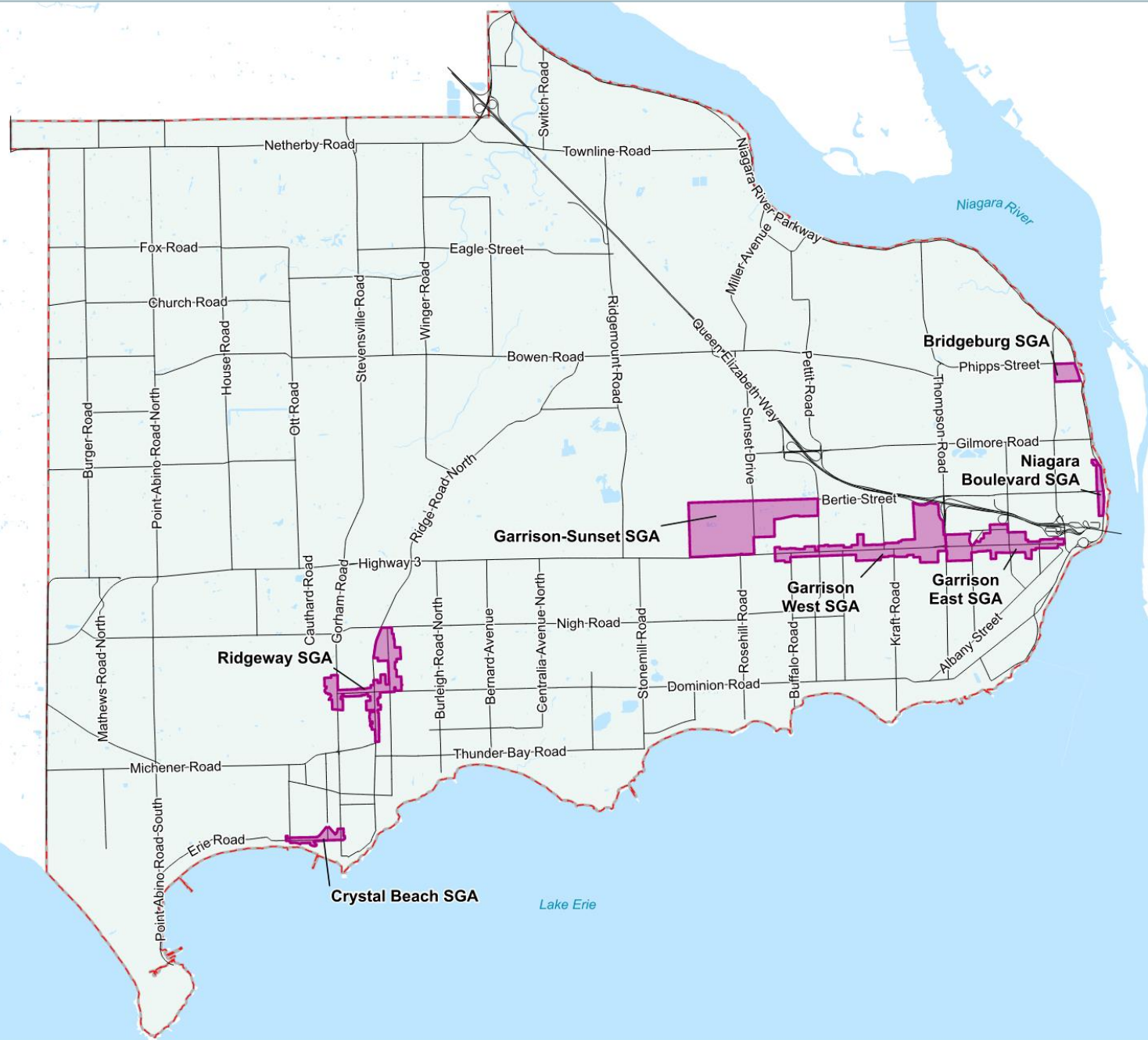


Appendix A

Zoning By-law and CPPS Study Areas

Study Area Map

-  Municipal Boundary
-  Community Planning Permit System Area
-  Zoning By-law Review Area



Source: Town of Fort Erie, Niagara Region (Niagara Open Data); New York State (NYS GIS Clearinghouse)



Appendix B

Official Plan Land Use Designations

Table 1: Fort Erie Official Plan Land Use Designations and Intent

Settlement Areas ¹	
Land Use Designation	Intent
Core-Mixed Use	The Core Mixed-Use designation applies to areas that have historically functioned as traditional downtowns or areas that are planned to evolve into a more urbanized, compact built form. Areas designated Core Mixed-Use are planned to be the focus of intensification and redevelopment, comprises of a broad range of land uses to accommodate most of the Town's projected growth. These areas provide residents with a diverse range of housing options, jobs, shopping, cultural experiences, public service facilities, and recreational opportunities.
Community Area	The Community Area designation provides a range of housing options and essential everyday amenities to meet the diverse needs of the Town's residents. Public service facilities such as schools, parks, and additional needs housing, as well as neighbourhood-scale commercial uses are also planned within the Community Area to support complete communities.
Strategic Economic Area	The Strategic Economic Area designation applies to areas where there is significant potential to develop a cluster of heightened economic activity. These areas are envisioned to be comprises of a range of compatible land uses including employment, residential, commercial, entertainment, and office.
Employment	The Employment designation accommodates clusters of industrial related uses and economic activities that are of strategic importance to the Town's long-term economic resilience and prosperity.
Commercial	The Commercial designation permits a broad range of commercial goods and services to meet the everyday needs of the Town's residents, contributing to complete communities.
Institutional	The Institutional designation permits a broad range of institutional uses that directly support overall community wellbeing. Institutional uses are recognized as a fundamental component of complete communities, and may include uses related to health care, schools, social service, education, and civic uses, all of which serve to strengthen the community.

Land Use Designation	Intent
Hamlet of Snyder	The Hamlet of Snyder is a rural settlement consisting of rural residential, commercial and institutional uses. This area is designated as its own land use to protect and manage its unique, rural community character.
Peace Bridge International Gateway	Lands within the Peace Bridge International Gateway designation are owned or leased by the Buffalo and Fort Erie Public Bridge Authority, and function to ensure the continued efficient operation of the Peace Bridge, including international border customs and inspections, as well as accessory or incidental uses thereto.
Countryside	
Land Use Designation	Intent
Agriculture	The Agriculture designation safeguards the agricultural land base for long-term agricultural uses and normal farm practices and applies to areas where prime agricultural lands predominate.
Rural	The Rural designation generally applies to lands located outside of settlement areas and prime agricultural areas. The protection and strengthening of the rural area is intended to be maintained, recognizing its unique character and function, while providing opportunities for agricultural uses, resource-based activities, recreation, tourism and other compatible rural land uses.
Rural Residential	The Rural Residential designation applies to lands within the Town that are outside of settlement areas but principally used for low-rise residential uses located on larger format lots. The Rural Residential land use designation applies to existing development that is used for both permanent and seasonal residences.
Extractive Industrial	The Extractive Industrial designation is used to protect existing and operating mineral aggregate resource operations, such as sand, gravel, stone, and shale, as well as mineral deposits and petroleum resources, from incompatible land uses.

Natural Environment and Open Space	
Land Use Designation	Intent
Natural Environment System	The natural environment system is made up of wetlands, woodlands, valleylands, watercourses, significant wildlife habitat, areas of natural and scientific interest and the linkages between natural heritage features.
Open Space	Open space lands are a valuable resource to the community, providing opportunity for recreation, leisure, social interaction and engagement, and the enjoyment of the natural environment.

¹The Official Plan identifies SGAs as areas to focus intensification, redevelopment, and a concentration and mix of uses; the SGAs are not implemented through the zoning by-law and will instead be addressed through the Town's Community Planning Permit System (CPPS).



Appendix C

Description of By-law 129-90 Schedules

Schedule No.	Schedule Name	Purpose
Schedule 'A'	Zoning Schedule	This map series includes 44 detailed maps that identify the location of and boundaries of different zones and overlays across the Town.
Schedule 'B'	Road Allowance Requirements	This schedule illustrates the ultimate road allowance requirements for Provincial Highways, Regional Roads and Municipal Collector Roads within the Town of Fort Erie.
Schedule 'C'	Minimum Distance Separation Formulae	This schedule provides visual guidance to apply minimum distance separation formulae for setbacks of and/or from livestock buildings to support consistent application and administration.
Schedule 'D'	Geometric Design Standards for Parking	This schedule provides visual guidance for geometric design standards for all parking spaces to support consistent application and interpretation.
Schedule 'E'	Regional Municipality of Niagara Urban Areas Boundary Map	This schedule illustrates the extent of the Fort Erie Urban Areas, as defined by the Regional Municipality of Niagara Policy Plan.
Schedule 'F'	Building Height Illustration for CMU2-693 to CMU2-703 Zones along Erie Road, Derby Road and Ridgeway Road	This schedule provides detailed illustration for interpretation of the Controlling setbacks applied along certain roads in Crystal Beach.



Appendix D

Summary of Exception Zones

Parent Zone Category	Applicable Parent Zones (Count)	Category Total	Characterization
Residential	R1 (43), R2 (63), R2A (22), R2B (2), R3 (30), RM1 (80), RM2 (44), RR (29), WR (20), WRR (12), ND (5)	350	The exceptions are predominantly site-specific amendments to residential building standards, such as minimum lot frontage, minimum lot area, and yard setbacks. The amendments also occasionally permit increased height, lot coverage, and floor area, in response to lot constraints or subdivision design. In the Neighbourhood Development (ND) Zones, amendments adjust minimum lot area requirements for specific “part” blocks and include limited accessory permissions (e.g., shipping/cargo containers as accessory to residential use, where stated).
Commercial	C1 (9), C2 (18), C2A (9), C3 (35), C4 (3), C5 (9), C6 (0), C7 (29), ECU (8), UEC (0)	120	The exceptions are primarily site-specific amendments to: enable additional permitted uses (including mixed-use and legacy commercial permissions); allow more permissive building regulations with respect to setbacks, lot coverage, or maximum building height; and amend provisions regarding parking, access, landscaping standards. Administrative items, including deleted, relocated, and repealed references, are also included.

Parent Zone Category	Applicable Parent Zones (Count)	Category Total	Characterization
Industrial	IN (8), PI (4), DI (4), EI (2)	18	The exceptions are primarily site-specific amendments to: accommodate specific industrial operations; expand or limit permitted uses; regulate outside storage and screening controls; and introduce provisions related to servicing, access, or frontage, such as private rights-of-way or easements. Holding provisions are limited and typically tied to site-specific implementation conditions where stated.
Agricultural & Rural	A (86), RU (46)	132	The majority of exceptions are site-specific amendments to building standards to modify the minimum lot area or lot frontage requirements, amend provisions in order to introduce permitted uses related to rural, agricultural-related, or legacy uses; or provisions to regulate outside storage, require screening, or introduce servicing considerations. Holding provisions are also often applied to tie development permissions to specific approvals processes, studies, or agreements.
Environmental / Open Space	OS (69), EOS (10), EP (14), EC (3), H (15), DP (29)	140	The majority of exceptions restrict lands to specific permitted uses, including stormwater management, parks, buffers, conservation, and hazard or flood plain areas. In the Dune Protection (DP) Zone, exceptions typically amend building

Parent Zone Category	Applicable Parent Zones (Count)	Category Total	Characterization
			regulations, increasing the permitted maximums for building footprint, gross floor area, and building height. In the Existing Open Space (EOS) zone, amendments often recognize existing uses, such as marinas, cemeteries, and recreation-related uses. The Environmental Conservation Overlay (EC) zone, exceptions primarily amend and introduce provisions to protect the natural heritage system.
Institutional	I (4), P (2), MS (4)	10	The majority of exceptions amend permitted uses and building regulations regarding setbacks, parking, and access. Additionally, several amendments pertain to the Motorsports Speedway (MS) zone; specifically, they include holding provisions, operational limits on event capacities and operating hours, and regulations requiring buffers and landscape strips adjacent to sensitive features.



Appendix E

Summary of Holding (H) Symbols

Table 2: Total Number of Holding (H) Symbols by Parent Zone and Zone Category

Overall Parent Zone Category	Total Number of Holding Symbols by Parent Zone Category	Number of Holding (H) Symbols by Parent Zone Category
Residential Zones	57	R1 (6), R2 (9), R2A (2), R2B (0), R3 (2), RM1 (20), RM2 (15), RR (3), WR (0), WRR (0), ND (0)
Commercial Zones	18	C1 (1), C2 (4), C2A (1), C3 (8), C4 (0), C5 (1), C6 (0), C7 (1), ECU (2), UEC (0)
Industrial Zones	2	IN (0), PI (0), DI (0), EI (2)
Agricultural & Rural Zones	10	A (5), RU (5)
Environmental / Open Space	19	EP (2), OS (14), EOS (1), H (2), EC (0), DP (0)
Institutional	4	I (0), P (0), MS (4)



Appendix F

Summary of Minor Variances

Table 4: Summary of Minor Variances by Zone Category (2023 – 2025)

Zone Category	No. of Minor Variances	Description of Minor Variances
Residential 1 (R1) Zone	47	> Relief for minimum yard setbacks reductions to accommodate enlargements to the principal structure and accessory structures. > Relief from lot frontage, lot area, and lot coverage. > Encroachments for decks, porches, and other similar features. > Relief from minimum required parking space dimensions and minimum number of parking spaces.
Residential 2 (R2) Zone	49	> Relief for minimum yard setbacks reductions to accommodate enlargements to the principal structure and accessory structures. > Relief for lot frontage, lot area, and lot coverage. > Variances to permitted uses and definitions (e.g., duplexes and front lot line definition). > Encroachments for decks, porches, and other similar features.
Residential 2A (R2A) Zone	1	> Relief from the rear yard setback.
Residential 2B (R2B) Zone	31	> Relief for minimum yard setbacks to accommodate enlargements to the principal structure and accessory structures. > Relief from maximum height, including for accessory structures. > Encroachments for decks, porches, and other similar features. > Relief for parking space dimensions, and minimum number of parking spaces

Zone Category	No. of Minor Variances	Description of Minor Variances
Residential 3 (R3) Zone	2	> Relief for minimum yard setbacks, including for decks, porches, and other similar features.
Residential Multiple 1 (RM1) Zone	3	> Relief for minimum yard setbacks. > Relief from minimum planting strip and landscaping requirements.
Residential Multiple 2 (RM2) Zone	2	> Relief for minimum yard setbacks. > Relief from minimum planting strip and landscaping requirements.
Rural Residential (RR) Zone	16	> Relief from minimum yard setbacks, lot coverage, lot frontage, and maximum height, including for accessory structures. > Variance to definitions, including front lot line.
Rural (RU) Zone	1	> Relief related to rural lot standards (e.g., lot frontage/lot configuration).
Waterfront Residential (WR) Zone	12	> Relief for maximum height, and minimum lot frontage and lot area. > Includes permissions tied to Holding/LNC situations.
Waterfront Rural Residential (WRR) Zone	19	> Relief from minimum lot coverage and yard setbacks to accommodate decks, porches, and accessory structures. > Relief from required setbacks related to flood / conservation constraints > Instances of relief sought from maximum height.

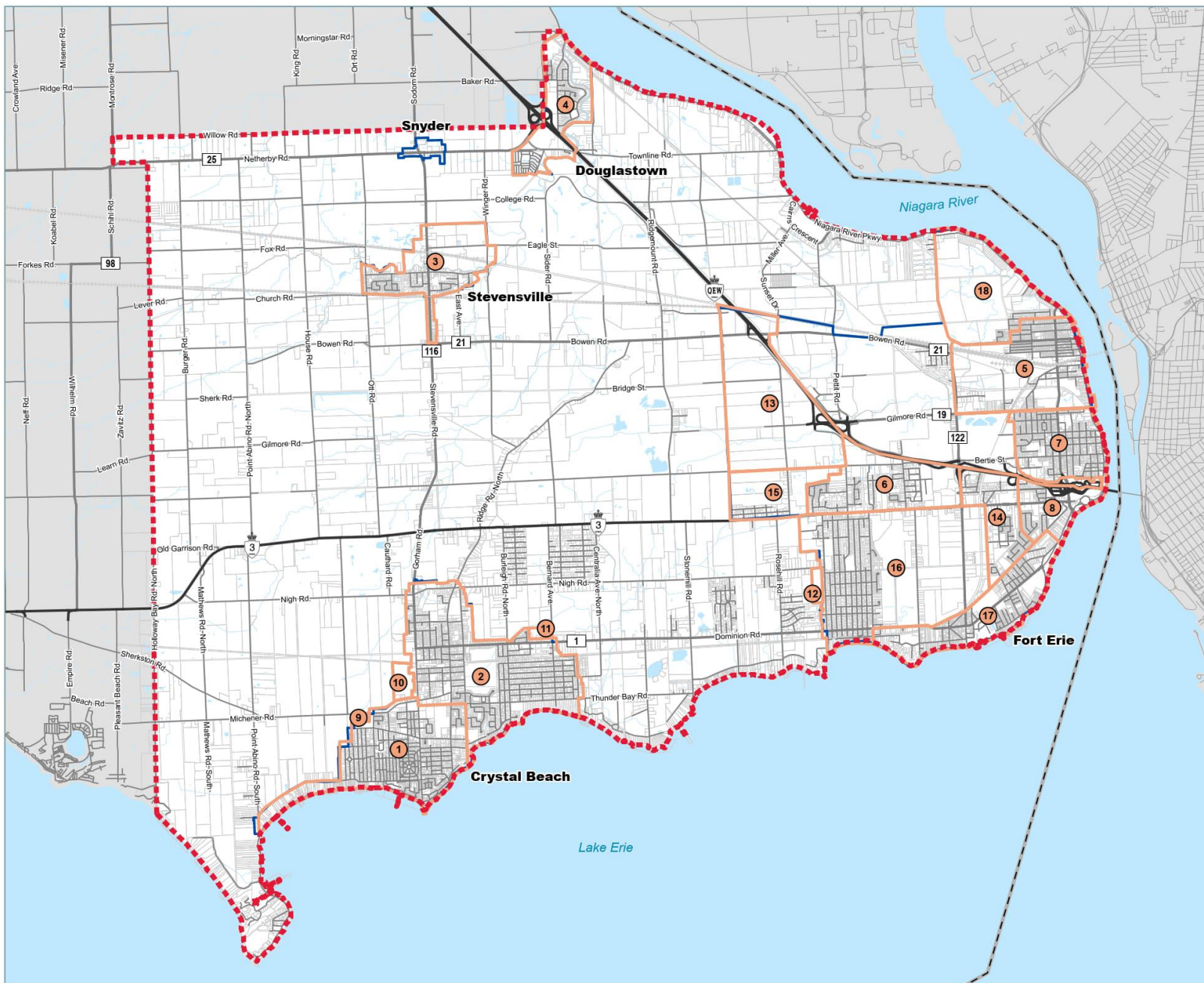
Zone Category	No. of Minor Variances	Description of Minor Variances
Agricultural (A) Zone	5	> Relief from minimum lot area (including significant reductions associated with boundary adjustments/lot configuration). > Relief from minimum yard setback requirements for principal and accessory buildings and structures. > Instances of relief from maximum building height.
Hazard (H) Zone	4	> Relief from setbacks to flood/erosion constraints and permissions to alter/expand existing buildings/structures within hazard lands.
Environmental Protection (EP) Zone	2	> Variances are typically associated permissions to modify/expand existing development and related lot and building requirements (e.g., setbacks/height).
Institutional (I) Zone	2	> Relief from minimum yard setbacks and landscaping requirements. > Relief regarding minimum number of parking spaces.
Public (P) Zone	1	> Variance to permit an additional use.
General Commercial (C2) Zone	3	> Relief from minimum yard setbacks and landscaping requirements.
Central Business District	3	> Relief from minimum yard setbacks and landscaping requirements.

Zone Category	No. of Minor Variances	Description of Minor Variances
Commercial (C2A) Zone		
Highway Commercial (C3) Zone	2	> Relief from minimum yard setbacks and landscaping requirements. > Relief regarding minimum number of parking spaces and access.
Recreational Commercial (C5) Zone	1	> Variance to permit a site-specific permission to enable the proposed development.



Appendix G

Secondary Plans



Fort Erie Official Plan

Schedule P - Secondary Plan Areas

Final for Council Adoption | July 2025

Legend

Secondary Plan Boundary

Base Features

Municipal Boundary

Settlement Area Boundary

International Border

Existing Secondary Plan Areas

1. Crystal Beach Secondary Plan
2. Ridgeway - Thunder Bay Secondary Plan Area
3. Stevensville Secondary Plan Area
4. Douglastown - Black Creek Secondary Plan Area
5. Bridgeburg Secondary Plan
6. Spears/High Pointe Secondary Plan Area
7. Southend Secondary Plan Area
8. Gateway Secondary Plan Area

Future Secondary Plan Areas

9. Expansion Area
10. West Gorham Community Expansion Area
11. Expansion Area
12. Expansion Area
13. Bowen-West QEW Employment Expansion Area
14. Walden/Garrison Neighbourhood
15. High Pointe West Community Expansion Area
16. Crescent Park/Kraft Neighbourhoods
17. Lakeshore Neighbourhood
18. Bridgeburg North Secondary Plan



FORT ERIE
ONTARIO
PLANNING FOR THE FUTURE 2051

wsp

Source: Town of Fort Erie; Niagara Region (Niagara Open Data); New York State (NYS GIS Clearinghouse)