

Amendment Number 16

to the

Official Plan

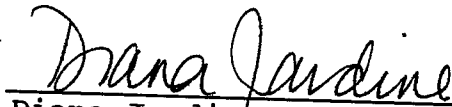
for the

Town of Pelham

This amendment to the Official Plan for the Town of Pelham, which has been adopted by the Council of the Corporation of the Town of Pelham, is hereby approved pursuant to Sections 17 and 21 of the Planning Act, S.O. 1983, as Amendment Number 16 to the Official Plan for the Town of Pelham.

Date:

1990-08-03




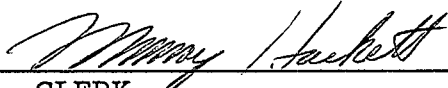
Diana Jardine, M.C.I.P.
Director

Plans Administration Branch
Central and Southwest

CERTIFICATE
OFFICIAL PLAN OF THE
TOWN OF PELHAM
AMENDMENT NO. 16

The attached Schedule A and explanatory text constituting Amendment No. 16 to the Official Plan of the Town of Pelham, was prepared by the Pelham Planning and Development Committee and was adopted by the Corporation of the Town of Pelham by By-law #1260 (1989) in accordance with Section 17 of the Planning Act, 1983, on the 5th. day of June, 1989.


MAYOR


CLERK

This Amendment to the Official Plan of the Town of Pelham which has been adopted by the Council of the Corporation of the Town of Pelham, is hereby approved in accordance with Section 17 of the Planning Act, 1983 as Amendment No. 16 to the Official Plan for the Town of Pelham.

Date

Approval Authority

**AMENDMENT No.16
TO THE OFFICIAL PLAN
FOR THE TOWN OF
PELHAM PLANNING AREA**

THE CORPORATION OF THE
T O W N O F P E L H A M

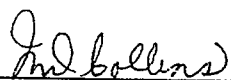
BY-LAW NO. 1260 (1989)

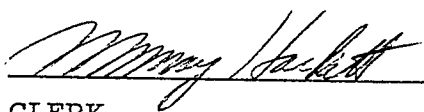
Being a by-law to adopt Amendment No. 16
to the Official Plan of the Town of
Pelham.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF
PELHAM IN ACCORDANCE WITH THE PROVISION OF THE PLANNING ACT,
S.O. 1983, HEREBY ENACTS AS FOLLOWS:

- (1) Amendment No. 16 to the Official Plan of the Town of Pelham, consisting of the attached Schedule "A" and the Explanatory Text, is hereby adopted.
- (2) THAT the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of the aforementioned Amendment No. 16 to the Official Plan of the Town of Pelham.
- (3) THAT this by-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED THIS 5th. DAY OF JUNE, 1989 A.D.


MAYOR


CLERK

TOWN OF PELHAM
CERTIFIED A TRUE COPY

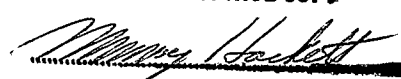


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Introduction to the Official Plan Amendment

- i) Purpose
- ii) Location
- iii) Basis

PART B - THE AMENDMENT

The Amendment which will be incorporated into the
Town of Pelham Official Plan.

(includes Text and Map Changes)

PART C - BACKGROUND

Relevant Data provides the background to the
Official Plan Amendment

Note: Parts A and C are explanatory sections providing information regarding the Amendment and do not form a part of the body of the Official Plan Amendment. Only Part 2 constitutes the actual Amendment to the Official Plan of the Town of Pelham.

PART A

PREAMBLE

PART A - PREAMBLE

PURPOSE

The purpose of this amendment is to:

- i) introduce a new "Highway Industrial Commercial" land use designation in the Official Plan;
- ii) redesignate lands from the existing "Industrial" designation to the new "Highway Industrial Commercial" designation;
- iii) redesignate lands from the existing "Urban Residential" designation to the new "Highway Industrial Commercial" designation;
- iv) make minor revisions to the existing "Industrial" policies to accommodate the new "Highway Industrial Commercial" designation.

LOCATION

The lands subject to this amendment are within the Urban Area Boundary of Fonthill, and are located on the north and south side of Highway 20 between Station Street and the Pelham / Thorold municipal boundary, as outlined on Schedule A to this amendment.

BASIS

The basis of this amendment is to recognize the changing role of Highway 20 from that of an industrial focus, to that of a highway commercial orientation. The amendment introduces new land use policies under a new "Highway Industrial Commercial" designation. This new designation:

- i) recognizes the Highway 20 corridor as a commercial entity as opposed to an industrial corridor;
- ii) provides a broader range of highway commercial and light industrial uses;
- iii) prohibits shopping centre developments greater than 2,323 square metres (25,000 square feet);
- iv) permits a limited amount of retail commercial uses but affords the municipality the opportunity to closely examine such development proposals by requiring a rezoning to permit such development proposals;
- v) requires site design elements be given special consideration to minimize traffic congestion and maximize

the aesthetic qualities of the area as an entrance to Fonthill.

PART B AMENDMENT

PART B - THE AMENDMENT

1. Section 1, Land Use of the Official Plan for the Town of Pelham is hereby amended by the introduction of a new section, "1.23.A - Highway Industrial Commercial" following section 1.23.2 which reads as follows:

"1.23.A - Highway Industrial-Commercial

The lands designated Highway Industrial-Commercial focus on the Highway 20 corridor from Station Street through to the eastern municipal boundary. Industrial and commercial uses within this designation shall focus on the role of Highway 20 as a major transportation corridor through the Town and as an entrance to the urban area of Fonthill.

- 1.23.A.1 Commercial uses permitted within the designation include restaurants, business and professional offices, gas stations, car wash establishments, car dealerships, hotels, motels, building supply outlets, construction trades suppliers, nursery or garden centres, farm produce market, and similar uses catering to the travelling public and vehicular traffic providing:

- i) all storage is enclosed;
- ii) open display areas for retail or wholesale sales be adequately landscaped and/or screened to reflect the prestige location at the entrance to the Fonthill urban area;
- iii) no detrimental affects result from noise, dust, fumes, vibration, etc.;
- iv) the building and site be designed attractively to reflect the prestige location at the entrance to the Fonthill urban area;
- v) adequate buffering measures be incorporated to screen the use from abutting residential uses.

- 1.23.A.2 Ancillary commercial uses permitted include a limited amount of retail uses. These ancillary commercial uses shall:

- i) not threaten the viability of the commercial core in Fonthill, and a market study may be required to provide evidence to that effect;
- ii) not detract from the primary permitted uses focusing on vehicular traffic and the travelling public;

- iii) not threaten the overall character of the area nor absorb so much land that the character of the area would be threatened or altered significantly;
 - iv) be permitted only by amendment to the zoning by-law.
- 1.23.A.3 A shopping centre greater than 2,323 square metres (25,000 square feet) shall not be permitted in this designation.
- 1.23.A.4 Industrial uses permitted within this designation include light manufacturing, warehousing and industrial servicing and supply operations providing they are compatible with the commercial character of the area, and providing:
 - i) all storage is enclosed;
 - ii) no detrimental effects result from noise, dust, fumes, vibration, etc.;
 - iii) the building and site be designed attractively to reflect the prestige location at the entrance to the Fonthill urban area;
 - iv) adequate buffering measures be incorporated to screen the use from abutting residential uses.
- 1.23.A.5 Notwithstanding the permitted uses of this section, the existing building supply operations with open storage facilities located north and south of Highway 20 just east of Station Street, shall be permitted.
- 1.23.A.6 The following design criteria be addressed in the review of development and redevelopment applications along this corridor:
 - i) joint or consolidated access points be implemented wherever possible to minimize entrance points and traffic congestion;
 - ii) The public road right-of-way be clearly delineated as a separate entity via landscaping, fencing, or similar measures to provide clear definition of the street;
 - iii) Linked parking areas from one property to the next be encouraged to reduce the number of turns onto and off of Highway 20;
 - iv) Landscaping amenities be required and

implemented to provide an attractive entrance to the urban area of Fonthill."

2. a) Section 1, Land Use, Industrial Areas of the Official Plan for the Town of Pelham is hereby amended to delete the paragraph preceding section 1.24 and replace it with the following paragraph:

"One industrial area is designated for the period covered by this plan. This area, Webber Road north of the airport, is suitable for dry industrial uses only."

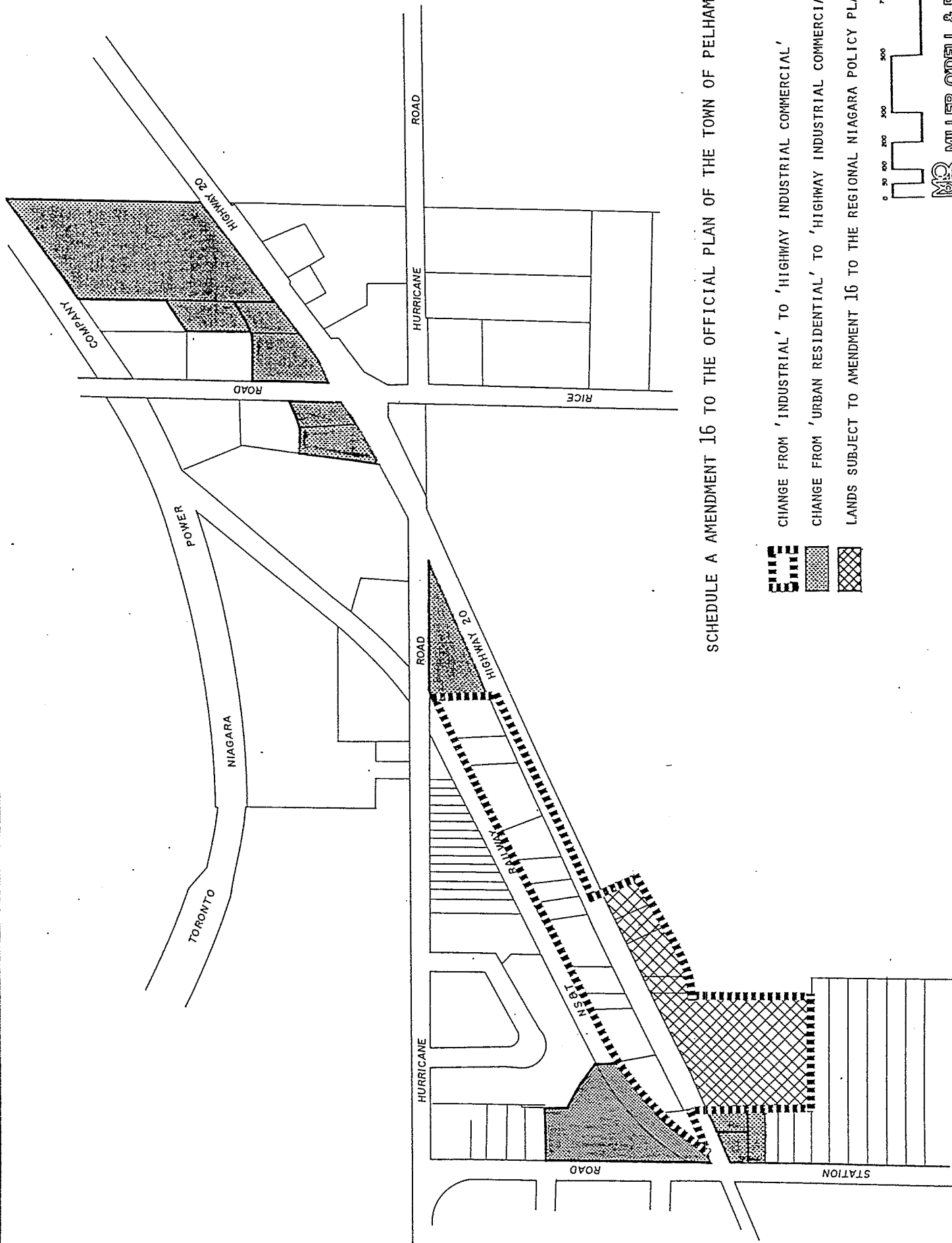
- b) Section 1.24 is hereby deleted in its entirety and replaced with the following:

"1.24 The major uses permitted in the Industrial Area are manufacturing, warehousing and service industrial operations, providing such uses can be adequately serviced via independent sewage disposal systems and well/cistern water supply systems."

- c) Section 1.25 is hereby deleted in its entirety and replaced with the following:

"1.25 Ancillary uses that may be permitted in the Industrial Area, providing they can be adequately serviced via independent sewage disposal systems and well/cistern water supply systems, are:"

3. Schedule A, Land Use Plan to the Official Plan for the Town of Pelham is hereby amended by redesignating lands i) from "Industrial" to "Highway Industrial Commercial" and ii) from "Urban Residential" to "Highway Industrial Commercial" as identified on Schedule A attached hereto and forming part of this amendment.



SCHEDULE A AMENDMENT 16 TO THE OFFICIAL PLAN OF THE TOWN OF PELHAM



- CHANGE FROM 'INDUSTRIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'
- CHANGE FROM 'URBAN RESIDENTIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'
- LANDS SUBJECT TO AMENDMENT 16 TO THE REGIONAL NIAGARA POLICY PLAN



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PART C

APPENDICES

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- Appendix A-1 Planning Report presenting a Highway 20 Commercial Review Report proposing Official Plan policies and zones.
- Appendix A-2 Revision to Planning Report mentioned in Appendix A-1 dated Sept. 13, 1988
- Appendix B-1 Commenting Agencies and citizens
- Appendix C-1 Planning Report presenting revisions to Highway 20 Commercial Review dated November 15, 1988
- Appendix D-1 Planning Report dated March 20, 1989
- Appendix D-2 Revision to Planning Report mentioned in Appendix D-1
- Appendix E-1 Planning Report for Council dated June 1, 1989
- Appendix F-1 Amending Zoning By-Law No. 1261 (1989)

Chairman D. Hubbard
Mayor E. G. Bergenstein
Members of the Planning and Development Committee

PLANNING REPORT /
HIGHWAY 20 COMMERCIAL REVIEW

As a result of objections that were lodged to By-law 1136 relative to the zoning of those lands between Station Street and the Town's urban area boundary and the restricting of commercial opportunities the Planning and Development Committee directed that a review be undertaken and recommendations provided as to what form and function the subject lands should take.

Appended hereto is a copy of our report on the "Highway 20 Commercial Review" for your consideration.

It is recommended that:

1. The Planning and Development Committee receive the attached Highway 20 Commercial Review Report inclusive of proposed Official Plan policies and zones
2. Staff be directed to convene a Public information Meeting to present and discuss the proposal.

Respectfully submitted,

Allen Barker

J Judy Pihach
Consulting Planner

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HIGHWAY 20
COMMERCIAL REVIEW

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1.0 INTRODUCTION

Highway 20, stretching from the municipal boundary on the east (Stallwoods) through to Station Street on the west (see Schedule A), has been the subject of considerable debate recently. A number of commercial development proposals have surfaced in recent years for uses other than those intended by the official plan. Recent development interest and activity has prompted a review of land uses along this corridor and the planning policies affecting this area. In light of the growth experienced by the Town of Pelham, particularly within the urban area of Fonthill, the Highway 20 corridor is being reviewed with respect to the suitability of a wider variety of permitted commercial uses.

2.0 EXISTING LAND USES

The existing land uses along this corridor indicate the area is in a state of transition. Land uses include a combination of industrial, commercial, institutional and residential uses as identified on Schedule A, Existing Land Uses. Fonthill Lumber and Fonthill Concrete are the only true industrial uses in the area. Compatible commercial uses include a number of restaurants, Star Tile, Olympic Plumbing and Heating, a gas station and contractor's office. A number of commercial establishments, somewhat less directly related to the industrial component of the corridor include the Landco development currently under construction, the Oldewood Inn site, and the neighbourhood commercial development approved at the corner of Rice Road and Highway 20.

Institutional uses include the Legion and Lions Club properties.

Residential uses along Highway 20 are interspersed with commercial uses and are quickly giving way to commercial development proposals. Residential land uses along this corridor are not a viable or desirable long term use for this corridor.

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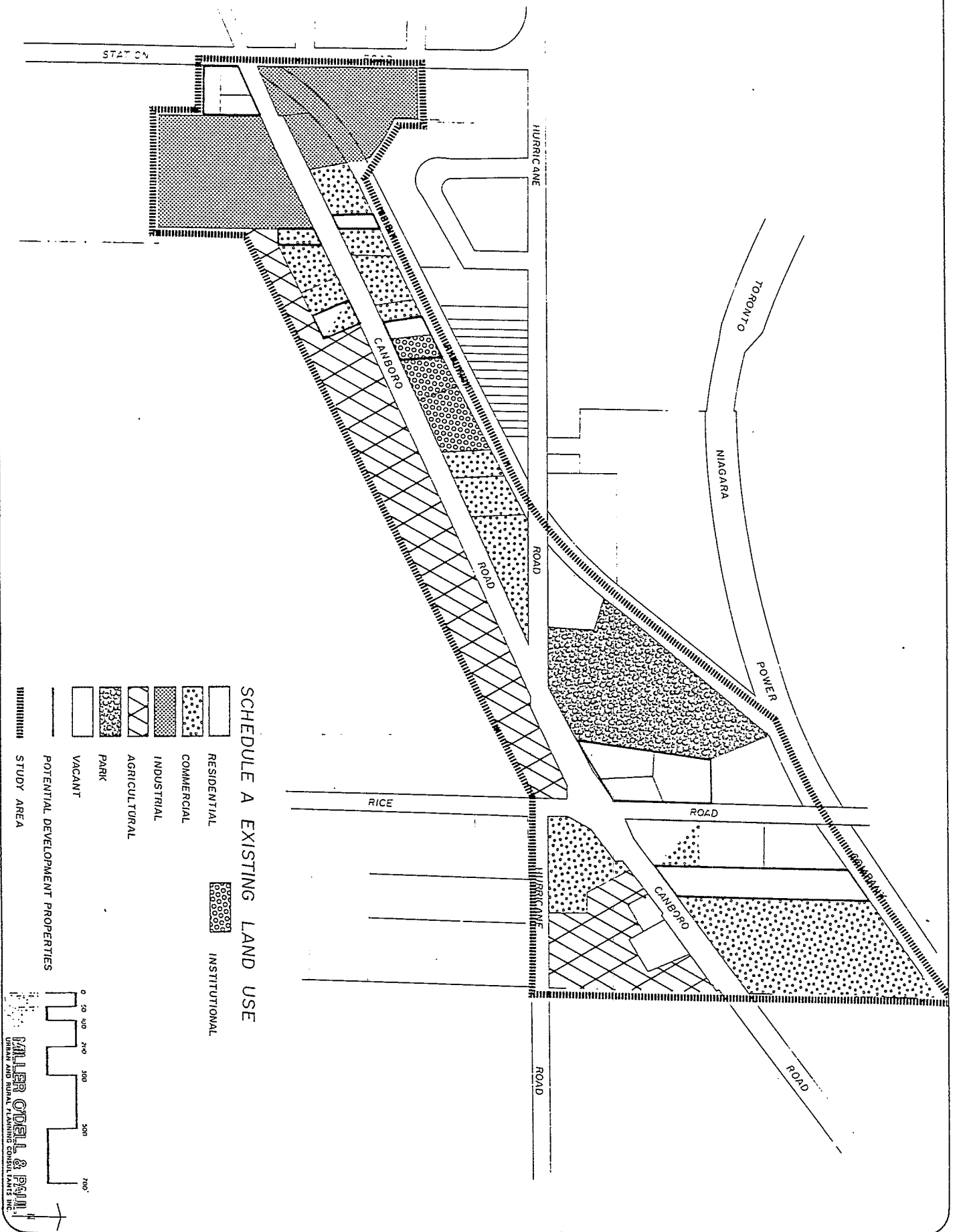
SUMMARY OF RECENT DEVELOPMENT PROPOSALS

The past few years have exhibited increasing development interest in lands along Highway 20 east of Station Street. Vacant parcels as well as redevelopment activity on already developed lands is evidenced by the following proposals:









<u>Location</u>	<u>Application</u>	<u>Status</u>
1. Southeast corner of Station St. and Hwy 20 (Gorge Holdings)	Official plan amendment and zoning By-law amendment to permit <u>a variety of commercial uses</u>	Application withdrawn
2. Northeast corner of Rice Road & Hwy. 20 (Connally)	Site plan approval to permit <u>neighbourhood commercial and residential uses</u>	Site plan approval granted
3. Northeast corner of Rice Road & Hwy. 20 (Young)	Zoning by-law amendment to permit <u>a gas bar & convenience store</u>	Application currently under review by owner
4. North side of Hwy. 20 east of Station St. (Landco)	Site plan approval to permit <u>commercial uses</u>	Site plan approval granted
5. Southeast corner of Rice Road & Hwy. 20 (Oldewood Inn)	Site plan approval to permit <u>a variety of commercial uses</u>	Site plan approval granted
6. Ultra Mar Gas Station	Zoning by-law amendment to permit an <u>automatic car wash</u>	Applicant providing additional details
7. Lot west of the Legion (Kaiser)	Zoning by-law amendment to permit <u>a coin car wash</u>	Application under review

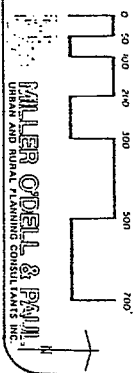
In addition, a number of concerns regarding the development policies along this corridor have been expressed as objections to Zoning By-law 1136 currently before the Ontario Municipal Board for approval. Parties objecting to the restricted commercial opportunities of the current official plan and zoning by-law include a number of existing property owners who have no specific development plans. However, they are concerned with the elimination of the opportunity to redevelop their

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SCHEDULE A EXISTING LAND USE

-  RESIDENTIAL
-  COMMERCIAL
-  INDUSTRIAL
-  AGRICULTURAL
-  PARK
-  VACANT
-  POTENTIAL DEVELOPMENT PROPERTIES
-  STUDY AREA



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properties to commercial uses at some point in the future. Question has also been raised relative to the appropriateness of some of the zone regulations that govern development along the along the corridor.

4.0 POTENTIAL DEVELOPMENT/REDEVELOPMENT PROPERTIES

The study area includes a number of properties which are prime targets for development or redevelopment. Schedule A identifies these properties. Those properties within the urban area boundary generally include the last remnants of residential uses in the area. The agricultural lands outside of the urban area boundary south of Highway 20 are also candidate lands for development. However, because these lands are considered prime agricultural lands, and because of their location outside of the urban area boundary, they pose specific limitations in terms of development.

5.0 EXISTING PLANNING FRAMEWORK

5.1 Regional Official Plan

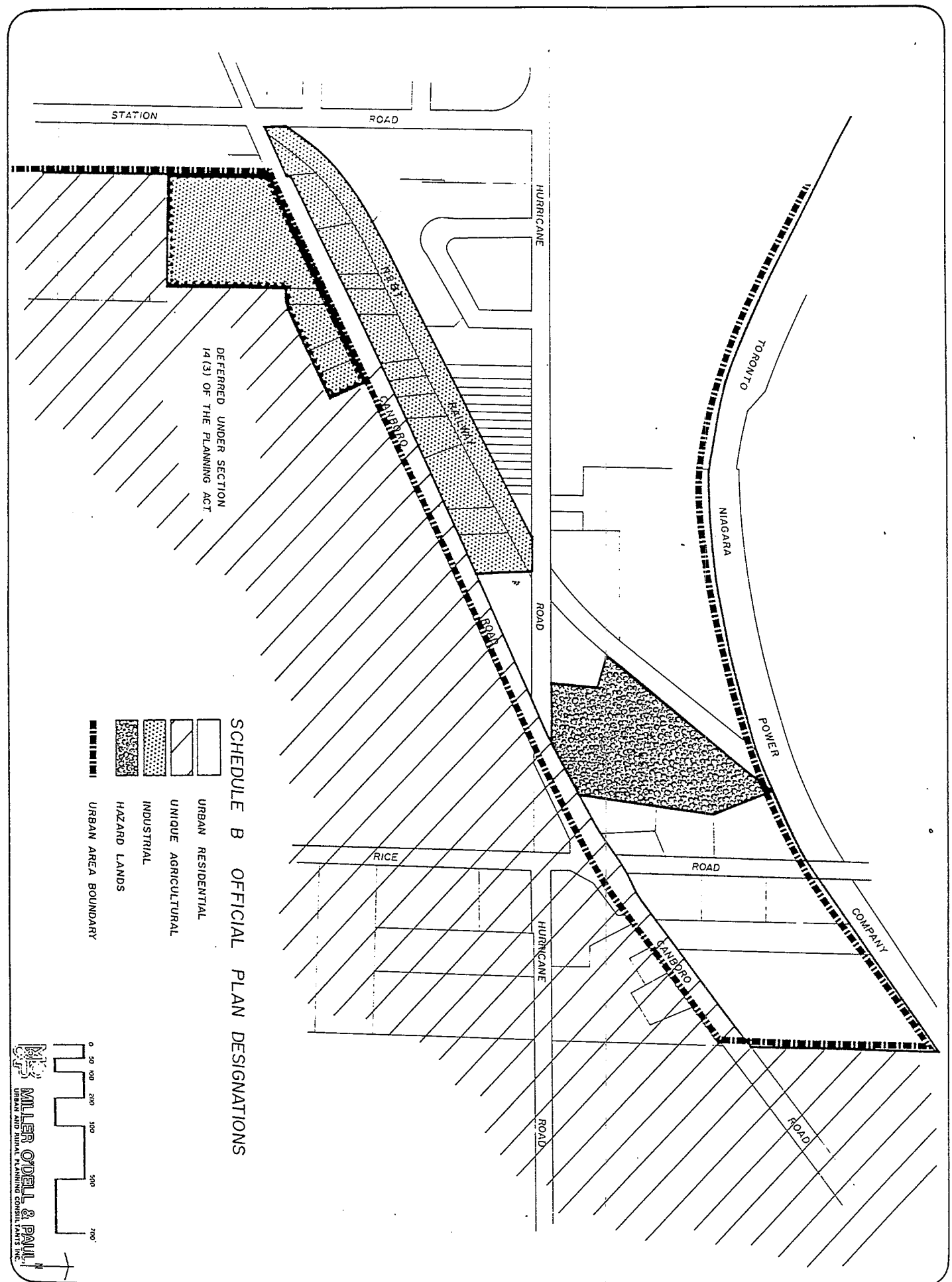
Schedule B attached outlines the location of the urban area boundary as established in the Regional Plan. The southeast corner of Station Street and Highway 20, along with the lands on the north side of Highway 20, all fall within the Urban Area. The remainder of the lands within the study area are designated "Good Tender Fruit Area" and devoted to agricultural pursuits.

Schedule B also identifies Deferral Area 3 (Fonthill Concrete, Hinan Contractors, Kentucky Fried Chicken, Country Kitchen, Mori Nurseries) which has been the subject of an on-going discussion with the Region. It was originally designated "Industrial" in the Official Plan, but was never approved by the Province since it was located outside of the urban area boundary. The Region has agreed that the urban area boundary be amended to include these lands (Regional Official Plan Amendment #16); however, its approval is being held up due to an objection by PALS. This issue is currently being negotiated with the Region, Ministry of Municipal Affairs and PALS.

5.2 Town of Pelham Official Plan

Schedule B outlines the land use designations within the study area as identified in the Town's Official Plan.

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The lands outside of the urban area boundary are designated "Unique Agriculture" which permits only "small scale commercial and industrial uses which are directly related to and serve the agricultural community" and only "if it is not possible to locate in designated hamlets in rural areas." Accordingly, development of these lands is extremely limited and would be in conjunction with adjacent agricultural uses rather than a use focusing on the urban area.

The "Industrial" designation in the study area, located within the urban area boundary, permits a broad range of uses including manufacturing, warehousing, and service industrial operations. Ancillary commercial uses such as banks, restaurants, garages, etc. are permitted provided they are limited in number so that they do not interfere with the industrial component considered to be of primary importance in this vicinity.

The east end of this corridor is largely designated "Urban Residential". This designation permits various types of residential uses as well as neighbourhood commercial uses devoted to serving the immediate residential neighbourhood only.

The "Hazard Land" designation applies to the Lions Club property and severely restricts development due to inherent environmental hazards, particularly flooding.

5.3 Town of Pelham Zoning By-law

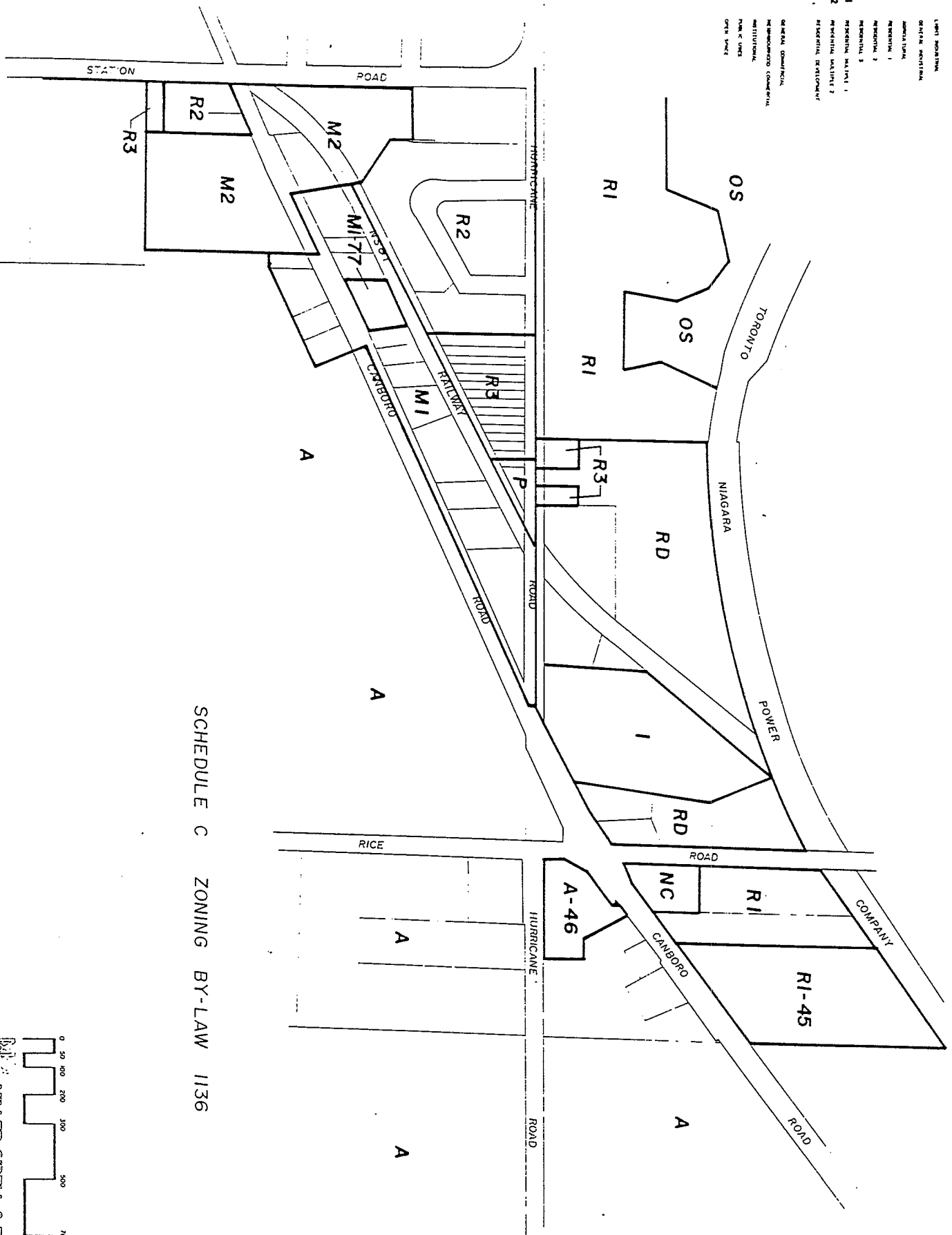
By-law 1136, currently before the Ontario Municipal Board for approval, zones the majority of the lands in the study area in industrial zoning categories, as noted on Schedule C.

The M1 zone permits various light industrial uses as well as a number of commercial uses considered to be ancillary to the industrial uses (banks, restaurants, vehicle sales, convenience retail stores, etc.) The M1 zone is not intended to permit major commercial uses which would compete with established commercial uses in the village core.

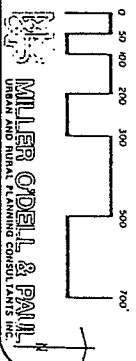
The M2 zone (Fonthill Lumber and Fonthill Concrete) is a strict industrial zone permitting no commercial uses except for gas stations and construction trades establishments.

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- M1** LIGHT INDUSTRIAL
 OF HIGH INDUSTRIAL
- M2** MEDIUM INDUSTRIAL
 OF MEDIUM INDUSTRIAL
- A** AGRICULTURAL
 AGRICULTURAL
- R1** RESIDENTIAL 1
 RESIDENTIAL 1
- R2** RESIDENTIAL 2
 RESIDENTIAL 2
- R3** RESIDENTIAL 3
 RESIDENTIAL 3
- RM1** RESIDENTIAL MEDIUM DENSITY 1
 RESIDENTIAL MEDIUM DENSITY 1
- RM2** RESIDENTIAL MEDIUM DENSITY 2
 RESIDENTIAL MEDIUM DENSITY 2
- RD** RESIDENTIAL DEVELOPMENT
 RESIDENTIAL DEVELOPMENT
- GC** COMMERCIAL GENERAL
 COMMERCIAL GENERAL
- NC** NEIGHBORHOOD COMMERCIAL
 NEIGHBORHOOD COMMERCIAL
- I** INSTITUTIONAL
 INSTITUTIONAL
- P** PUBLIC USE
 PUBLIC USE
- OS** OFFICE SPACE
 OFFICE SPACE



SCHEDULE C ZONING BY-LAW 1136



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A number of zones recognize unique circumstances or existing uses. These are as follows:

- i) M1-77 (Landco Property) - zoned as an exception to permit a wider variety of commercial uses not normally permitted in the M1 zone.
- ii) R1-45 (Stallwoods) - zoned to permit light manufacturing and a limited range of commercial uses not permitted in the R1 zone.
- iii) A-46 (Oldewood Inn) - zoned to permit a broad range of commercial uses not permitted in the A zone.

The Lions Club lands are recognized as a private club under the "Institutional" zone.

Lands at the northwest corner of Rice Road and Highway 20 are zoned "Residential Development" to recognize the established residential uses. Similarly, smaller established residential lots at Station Street and Highway 20 are zoned R1.

Lands at the northeast corner of Rice Road and Highway 20 are zoned "Neighbourhood Commercial" while lands to the immediately east are zoned R1 permitting residential uses.

The "Agricultural" zone applies to those lands south of Highway 20 and east of the A-46 exception zone. This zone recognizes the existing agricultural and residential uses.

5.4 Former Town of Pelham Zoning By-law 279

Much of the concern associated with the Highway 20 corridor stems from the previous zoning by-law. Lands zoned Light Industrial M1 in the current by-law were previously zoned Commercial General (CG). The CG zone permitted a broader range of uses including retail stores.

At the time By-law 279 was prepared (early 70's), the urban areas of Pelham had not been subject to the tremendous growth rates experienced in recent years. Accordingly, the municipality could afford to be somewhat flexible without threatening the overall land use pattern of the municipality. By-law 279 is now twelve years old and not reflective of up-to-date planning principals, nor reflective of the amount of growth which has occurred since it was approved in 1976. To permit unlimited retail uses

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along Highway 20, permitted to a large extent by By-law 279, would seriously threaten the commercial land use pattern within the Town and almost certainly be to the detriment of the commercial core of Fonthill. The repeal of By-law 279 and the subsequent loss of retail uses as a permitted use along much of Highway 20, has been perceived as detrimental by some affected property owners. However, benefits to the Town as a whole are accrued by limiting retail activity along Highway 20 and maintaining the Fonthill commercial core as a viable, healthy commercial entity.

6.0 PLANNING ISSUES

6.1 Highway Industrial - Commercial Corridor

The "Industrial" designation of lands along Highway 20 was originally intended to recognize established industrial uses and encourage "additional industrial development" as well as ancillary commercial uses. Ancillary commercial uses have developed to the extent that the true industrial uses are now secondary to commercial uses. Within the existing Urban Residential designation to the east end of the study area, commercial uses are developing or being proposed as opposed to residential uses.

The recognition of commercial uses as exceptions in the zoning by-law provide further evidence of Highway 20 developing as a commercial corridor despite its Industrial and Urban Residential designations and zoning.

With the role of Highway 20 as the main entrance to Fonthill and as a regional artery, it is not surprising that land uses have developed to capitalize on that role. Industrial development along this corridor is severely hampered by limited lot sizes and the close proximity of residential development. Residential development has proven to be unrealistic for lands fronting on Highway 20, particularly when commercial uses predominate.

It is suggested that the Highway 20 corridor be recognized as a highway industrial-commercial corridor with an expanded range of permitted commercial uses compatible with a highway location.

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6.2 Impact on Commercial Core of Fonthill

The expansion of permitted commercial uses along Highway 20 must be reviewed in light of the impact on the commercial core of Fonthill. Major commercial uses primarily retail in nature are still intended for the commercial core. Uses catering to vehicular traffic, the travelling public and those with large space requirements are suitable to a highway location. Most retailing operations dealing in Department Store Type Merchandise (D.S.T.M.) or falling within the realm of comparative shopping are still preferable in the commercial core.

The types of uses suitable to a highway commercial location include:

(* indicates uses currently permitted in the M1 zone)

- * - automobile service stations
- * - building supply outlets within wholly enclosed buildings
- * - gas bars
 - nursery or garden centre
 - motels
 - hotels
- * - motor vehicle sales, service and rental establishments
- * - restaurants, including take-out, drive-in, eat-in restaurants and refreshment rooms
- * - public and private clubs
- * - service shops
- * - showroom
 - farm implement sales and service
 - car washing establishments
 - swimming pool sales and service
 - business and professional offices
 - medical offices or clinics
 - machinery and equipment sales, service and rental
 - boat and trailer sales
 - custom workshops making products for retail sale on the premises
 - funeral homes or undertaking establishments
 - plumbing, heating, electrical, air conditioning, radio and television sales, service and equipment dealers
 - places of entertainment or recreation
 - warehouse sales outlets for furniture, carpets, etc.

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This expanded list of permitted uses allows a greater range of uses than the current zoning. This list does not, however, permit a wide range of retail uses which are intended to locate in the commercial core.

6.3 Loss of Industrial and Residential Land

The redirection of policies along this corridor will remove lands from the Town's Industrial and Residential designations in the Official Plan. However, it is felt that based upon this removal a significant effect on the industrial and residential inventories, as provided for in the Official Plan, will not be realized.

With respect to industrial development this corridor is somewhat hampered by the small lot sizes and the proximity of non-industrial land uses presenting a potential land use conflict. The attraction to industrial uses is severely threatened by these factors despite the industrial official plan designation and zoning.

With respect to residential development, the area is not ideally suited. The traffic along Highway 20 presents a negative impact to residential uses in terms of noise, dust etc. The prevalence of commercial and industrial uses along this corridor presents a potential land use conflict as well. Again, limited lot sizes restrict potential residential development, even at higher densities.

6.4 Impact on Adjacent Residential Uses

Adjacent residential uses exist at several points along this corridor. Station Street and Highway 20, lands to the north of the CNR rail line north of Highway 20, and the residential pocket of land along Rice Road north of Highway 20 are the prime candidates for potential impacts from further or intensified commercial development.

The southeast corner of Highway 20 and Station Street is not recommended for inclusion at this time as uncertainty exists as to what lands are to be included within the proposed highway industrial-commercial designation, the existing residences to the south of the corner properties are already affected by Fonhill Concrete which abuts those properties to the rear, and it is felt that these residential properties should only be considered when the easterly located lands (i.e. Fonhill Concrete) are being redeveloped.

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With respect to the residential uses north of the CNR rail line, the status quo will generally be retained. The railway itself provides an extra separation distance and additional redevelopment along Highway 20 at this point will have no more of an impact than existing uses. In fact, redevelopment may actually improve any existing problem situations by the implementation of various buffer improvements through site plan control.

The residential pocket on Rice Road north of Highway 20 may be affected to some extent by future commercial uses on the north side of Highway 20, east and west of Rice Road. The northwest corner is ripe for development and should be developed to take advantage of a Highway 20 location. Site design elements should be incorporated, however, to minimize land use conflicts with adjacent residential uses.

The property to the west of Stallwoods also has developmental opportunities of a commercial nature along its frontage, however development to date has been hampered by lot configuration and the residential/industrial interface that exists to the east and west of the subject lands. By designating the lands fronting Highway 20 as highway industrial-commercial it is felt that this may provide an incentive to redevelopment opportunities with the easterly located lands. This site should be given careful consideration when development initiatives are presented.

The overall impact on adjacent residential uses is expected to be negligible. The introduction of a wider variety of commercial uses and the extension of the highway industrial-commercial designation to include lands previously designated Urban Residential really recognizes a land use pattern which has been emerging over the years.

6.5 Commercial Strip Development

The introduction of additional commercial uses along this corridor may foster negative connotations related to "strip plazas" and "strip development". Traffic congestion, numerous and unclear entrance and exit points, large expanses of parking lots, minimal landscaping, little consideration for pedestrian traffic, cluttered signage, etc., all contribute to a negative impression of highway commercial areas. This corridor plays an important role as a major entrance to the Town and should present a positive impression. Greater attention to site design elements will ensure redevelopment and new

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development will present a positive image. Site design criteria should be included within the policies of the proposed Highway Industrial-Commercial designation.

6.6 Servicing

This corridor is supplied with full municipal services (water, sanitary, storm). Water service presents the biggest impediment to further development along this corridor. The existing water line dead ends at the municipal boundary presenting severe supply and pressure problems. The looping of this line with the existing line which dead ends on Hurricane Road just west of the intersection would remedy the problem. Recent development proposals have adapted to the situation in various ways; however, the original problem remains and will continue to plague development proposals in the future.

It is suggested a strategy be considered to implement the looping system with a cost sharing arrangement to affected landowners.

Of secondary importance is storm water runoff. The existing storm sewer was designed by the Ministry of Transportation to serve the roadway alone. Significant storm runoff from adjacent properties is prohibited from entering the storm system due to capacity limitations. Storm drainage mechanisms will have to be considered on a site-by-site basis given the variance in slope and site characteristics from property to property.

7.0 PLANNING POLICY RECOMMENDATIONS

7.1 Regional Official Plan

The Regional Plan policies are considered to be adequate as they relate to the future development and redevelopment of this corridor. Although non-developed lands on the south side of Highway 20 have development potential, their location outside of the urban area boundary and their designation in the Regional Plan as "Good Tender Fruit", presents significant obstacles to any development proposals.

Development of land outside of the urban area boundary (excluding those lands embraced by Regional Official Plan Amendment #16) is considered premature in the absence of any demonstrated need for significant amounts of additional commercial or industrial space. The expansion

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of the urban area boundary is an issue beyond the scope of this review and should be entertained within a more comprehensive review of the urban area boundaries for the entire municipality.

Accordingly, no changes to the Regional Plan relating to urban area boundaries are recommended at this point in time.

7.2 Pelham Official Plan

Despite the "Industrial" designation of the corridor, the area has developed primarily for commercial uses either directly or indirectly related to the existing industries. Commercial uses are not necessarily "ancillary" as the official plan policies suggest, but have become the primary use of land. The prevalence of commercial uses has threatened the future role of this area for primarily industrial use as intended by the official plan.

Notwithstanding the fact that the corridor has not developed entirely in keeping with the industrial focus of the official plan, the corridor has developed in a manner which does serve the needs of the community from a commercial standpoint. A shift to a highway industrial-commercial orientation would recognize the existing industrial uses as well as provide a broader range of permitted commercial uses than currently available. It is recommended the policies of the official plan be amended to:

1. redesignate those lands identified on Schedule D attached from "Urban Residential" and "Industrial" to a new designation entitled "Highway Industrial-Commercial".
2. Introduce a new section 1.23A "Highway Industrial-Commercial" following Section 1.23.A as follows:

"1.23.A - Highway-Industrial-Commercial

The lands designated Highway Industrial-Commercial focus on the Highway 20 corridor from Station Street through to the eastern municipal boundary. Industrial and commercial uses within this designation shall focus on the role of Highway 20 as a major transportation corridor through the Town and as an entrance to the urban area of Fonthill.

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- 1.23.A.1 Commercial uses permitted within the designation include restaurants, gas stations, car wash establishments, car dealerships, hotels, motels, building supply outlets, construction trades suppliers, nursery or garden centres, farm produce market, and similar uses catering to the travelling public and vehicular traffic.
- 1.23.A.2 Ancillary commercial uses permitted include banks, professional and business offices and a limited amount of retail uses. These ancillary commercial uses shall:
 - i) not threaten the viability of the commercial core in Fontheill, and a market study may be required to provide evidence to that effect;
 - ii) not detract from the primary permitted uses focusing on vehicular traffic and the travelling public;
 - iii) not threaten the overall character of the area or absorb so much land that the character of the area would be threatened or altered significantly.
 - iv) be permitted only by amendment to the zoning by-law.
- 1.23.A.3 ^{Large} Shopping centre shall not be permitted in this designation.
- 1.23.A.4 Industrial uses permitted within this designation include light manufacturing, warehousing and industrial servicing and supply operations providing they are compatible with the commercial character of the area, and providing:
 - i) all storage is enclosed.
 - ii) no detrimental effects result from noise, dust, fumes, vibration, etc.
 - iii) the building and site be designed attractively to reflect the prestige location at the entrance to the Fontheill urban area.

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- iv) adequate buffering measures be incorporated to screen the use from abutting residential uses.

Notwithstanding the permitted uses of this section, the existing concrete products operation (Fonthill Concrete) and the existing lumber yard (Fonthill Lumber) shall be permitted.

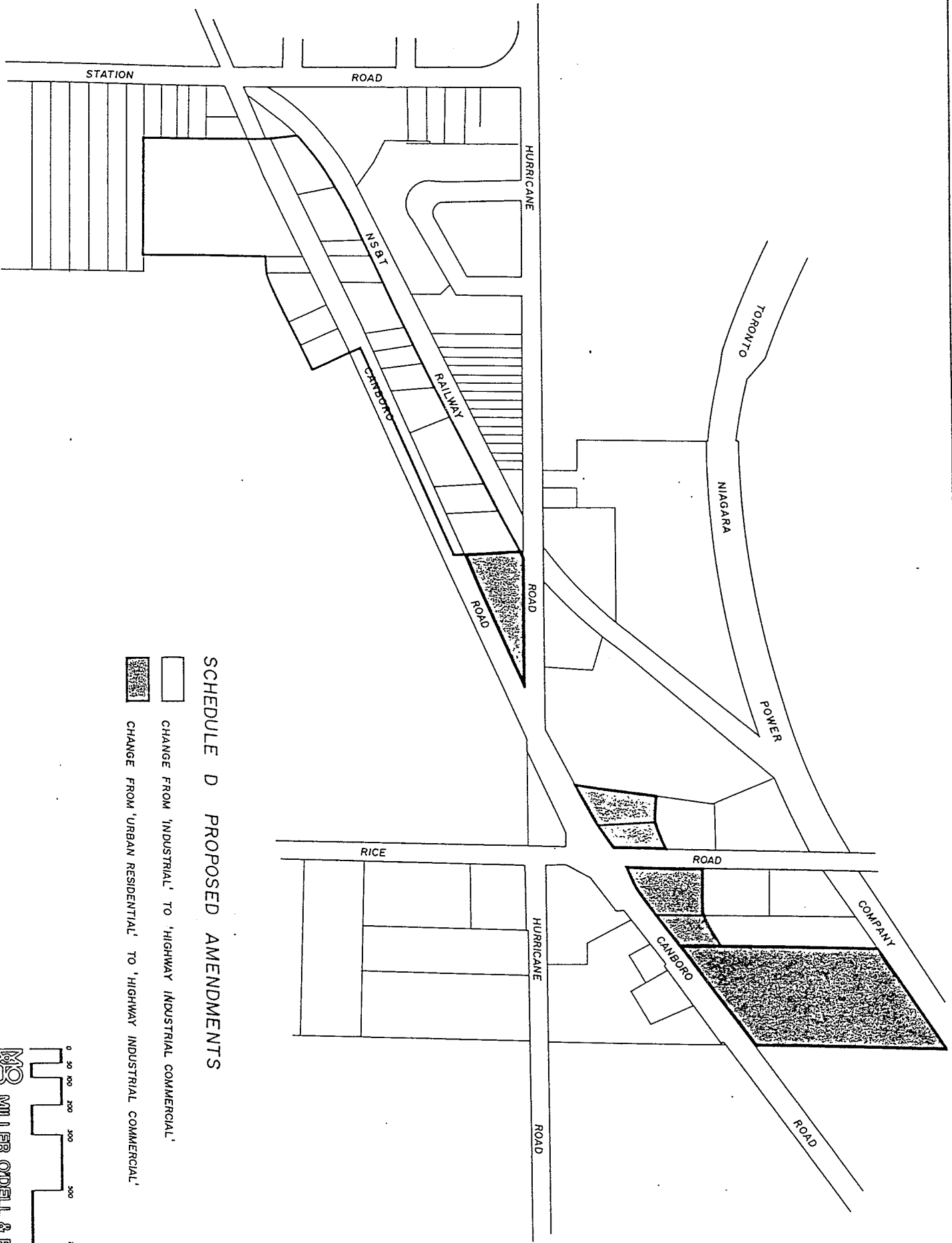
1.23.A.5 The following design criteria be addressed in the review of development and redevelopment applications along this corridor:

- i) Joint or consolidated access points be implemented wherever possible to minimize entrance points and traffic congestion.
- ii) The public road right-of-way be clearly delineated as a separate entity via landscaping, fencing, or similar measures to provide clear definition of the street.
- iii) Linked parking areas from one property to the next be encouraged to reduce the number of turns onto and off of Highway 20.
- iv) Landscaping amenities be required and implemented to provide an attractive entrance to the urban area of Fonthill."

3. The "Industrial" policies in the plan following subsection 1.23.2 be amended by:

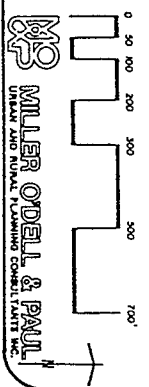
- a) deleting the words "Two industrial areas are" and substituting thereof "One industrial are is" in the first sentence.
- b) deleting the words "located east of Station Street on Highway 20 and consists of an existing industrial and related commercial facilities on full municipal services" in the second sentence and having the balance of the second sentence and the third sentence form as one sentence.
- c) deleting the words "commercial and" in the first line and "banks, restaurants" in the second and third line of policy 1.25.1.

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SCHEDULE D PROPOSED AMENDMENTS

- CHANGE FROM 'INDUSTRIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'
- CHANGE FROM 'URBAN RESIDENTIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'



The key elements of the proposed official plan amendment are:

- i) recognizes the Highway 20 corridor as a commercial entity as opposed to an industrial corridor;
- ii) provides a broader range of highway commercial and light industrial uses;
- iii) prohibits shopping centre developments;
- iv) permits a limited amount of office and retail commercial uses but affords the municipality the opportunity to closely examine such development proposals by requiring a rezoning to permit such development proposals;
- v) requires site design elements be given special consideration to minimize traffic congestion and maximize the aesthetic qualities of the area as an entrance to Fonthill.

7.3 Pelham Zoning By-law 1136

In recognition of the changing role of the Highway 20 corridor, and subject to the resolution of the water supply issue, the zoning by-law is recommended for amendment as follows:

- 1(a) Schedule A of the zoning by-law be amended by rezoning those lands identified on Schedule E attached from:

- R1-45 to Highway Commercial (HC).
- R1 to Highway Commercial (Holding) HC(H)
- NC to Highway Commercial - 79 HC-79

- 1(b) Schedule A5 of the zoning by-law be amended by rezoning those lands identified on Schedule E attached from:

- Light Industrial (M1) to Highway Commercial (HC).
- Residential Development (RD) to Highway Commercial (Holding) HC(H)
- M1-77 to Highway Commercial - 77 HC 77

2. A new Section 20-A Highway Commercial Zone be introduced into the by-law following Section 20 as follows:

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"Section 20 A - Highway Commercial Zone

Subject to the general provisions of Section 6 and all other applicable requirements of this by-law, the provisions of this section shall apply throughout the Highway Commercial Zone.

20.A.1 Permitted Uses

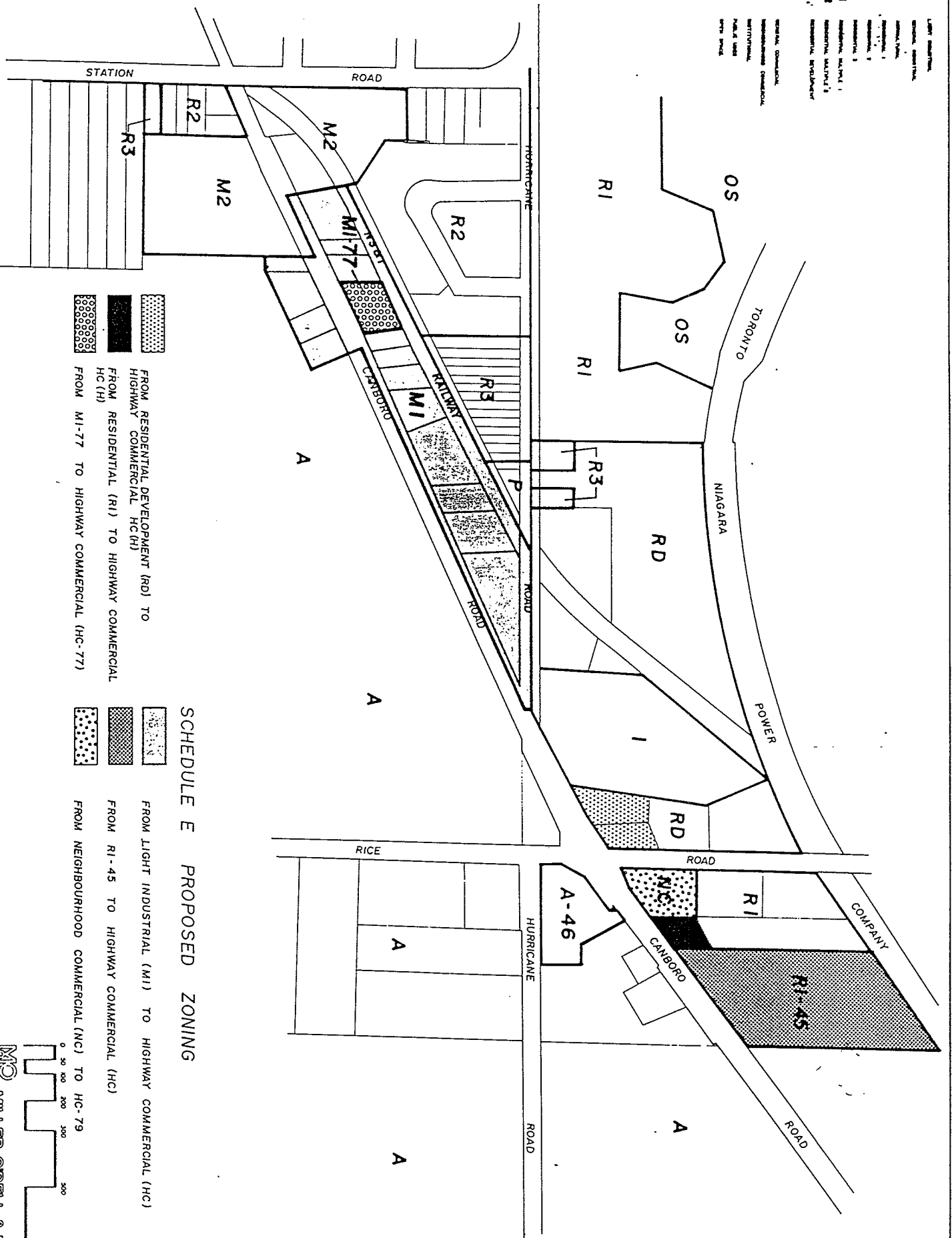
- a) automobile service stations; motor fuel retail outlets; car washes (automatic or coin operated); vehicle repair shops; motor vehicle sales, service and rental establishments; farm implement sales and service; service shops; restaurants including take-out, drive-in, eat-in restaurants and refreshment rooms; places of entertainment and recreation; public and private clubs; hotels, motels; custom workshops; showrooms; warehouses without outdoor storage; building supply outlets within wholly enclosed buildings; nursery or garden centre; swimming pool sales and service; machinery and equipment sales, service and rental; boat, trailer and recreational vehicle sales, service and rental; funeral homes and undertaking establishment; plumbing, heating, electrical, air conditioning, radio and television sales, service and rental; warehouse sales outlets.
- b) uses, buildings and structures accessory to the foregoing permitted uses.

20.A.2 Regulations for Permitted Uses

- a) Minimum Lot Frontage 30m (100 feet)
- b) Minimum Lot Area 1400m² (15,000 sq.ft.)
- c) Maximum Lot Coverage 60 Percent
- d) Minimum Front Yard and Minimum Exterior Side Yard 18m (60 feet)
- e) Minimum Side Yard 6.0m except where adjacent to a residential zone the minimum side yard shall be 9.0m.

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MM	LMV solution
ME	control, control
A	control, PMA
R1	residual, 1
R2	residual, 2
R3	residual, 3
R4	residual, 4
R5	residual, 5
RD	residual, 6
OC	control, control
MC	control, control
P	control, control
OE	control, control






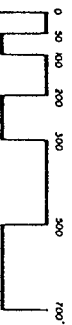
SCHEDULE E PROPOSED ZONING

FROM RESIDENTIAL DEVELOPMENT (RD) TO HIGHWAY COMMERCIAL (HC (H))

FROM RESIDENTIAL (RI) TO HIGHWAY COMMERCIAL (HC (H))

FROM MI-77 TO HIGHWAY COMMERCIAL (HC-77)

	FROM LIGHT INDUSTRIAL (MI) TO HIGHWAY COMMERCIAL (HC)
	FROM RI-45 TO HIGHWAY COMMERCIAL (HC)
	FROM NEIGHBOURHOOD COMMERCIAL (NC) TO HC-79



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URBAN AND RURAL PLANNING CONSULTANTS INC.

- f) Minimum Rear Yard none except where adjacent to a residential zone the minimum rear yard shall be 9.0m.

- g) Yards Adjacent to a Railway

Notwithstanding sections e) and f) herein, no minimum side yard or rear yard shall be required adjacent to a railway.

- h) Landscaping

In addition to the provisions of section 6.17, a planting strip shall be required along the front lot line, exterior side lot line and rear lot line where it abuts a street.

- i) Exterior Lighting

In addition to the provisions of section 6.16 e), exterior lighting and illuminated signage shall be directed away from any adjacent residential zone.

- j) Loading Spaces

In addition to the provisions of section 6.9, no loading space shall be permitted in a yard adjacent to a residential zone.

The key elements of the proposed zoning are:

- i) permits a broader range of commercial uses suited to a highway location;
- ii) requires upgraded landscaping requirements in an effort to present an aesthetically pleasing entrance to Fontheil;
- iii) limits retail activity so as not to threaten the the viability of the commercial core;
- iv) provides regulations suited to the existing lot sizes.

8.0 FUTURE CONSIDERATION

As previously referenced, the lands outside of the urban area boundary on the south side of Highway 20 are candidate lands for development. If and when the urban area boundary is altered to include these lands within the urban area, consideration will have to

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be given to the types of uses appropriate for these lands. An extension of the Highway Industrial-Commercial designation would appear to be appropriate in an effort to consolidate uses suited to a highway location. The designation might only extend 150 - 200 feet in depth so that agricultural activities could continue on the back lands while commercial or light industrial uses could maximize the benefits of frontage on Highway 20. This issue will be addressed in detail as part of the upcoming urban area boundary review.

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September 13, 1988

Memorandum to: Chairman D. Hubbard
Mayor E. G. Bergenstein
Members of the Planning and Development
Committee

From: Judy Pihach
Consulting Planner
Miller O'Dell & Paul

Re: Highway 20 Commercial Review

As a result of preliminary discussions with the committee, June 28, 1988, the following revisions are suggested for inclusion in the report.

i) Schedule D, Proposed Official Plan Amendment

The southeast corner of Station Street and Highway 20 has been subject to development interests. Rather than omit the lands until a development application has been submitted, it is recommended the lands be included as a Highway Industrial-Commercial designation as part of this study (see Schedule D attached).

ii) Proposed Official Plan Policy regarding Shopping Centres, Section 1.23. A. 3, page 12

The intent of this section is to prohibit large scale commercial centres which would threaten the town centre. The Zoning By-law defines a shopping centre as any commercial complex housing two or more commercial uses, regardless of size. In order to permit small scale commercial complexes, the following modification is suggested:

"1.23.A.3 A shopping centre, greater than 930 sq.m.
(10,000 sq.ft.), shall not be permitted in this designation."

iii) Proposed Zoning Regulations Regarding lands Adjacent to a Railway, Section 20.A.2(g), page 16.

Previous discussions raised the issue of deleting the exemption from a rear or side yard setback for properties abutting the railway north of Highway 20. The residential properties north of the railway are subject to an elevated topography. The introduction of a rear or side yard setback, in addition to the railway separation, is viewed as excessive since, in most cases, it would provide little or no buffering for the residential uses. The topography causes a clear view from the north of the railway to the rear of the buildings fronting on Highway 20.

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In addition, many of the lots fronting on Highway 20 are of limited size. The removal of the rear or side yard setback adjacent to the railway provides additional useable space. The addition of a rear or side yard setback would restrict development with little benefit to the residential uses north of the railway.

It is recommended the exemption from rear or side yard setbacks adjacent to the railway be retained as originally proposed in the report.

iv) Interior Side Yard Requirement, Section 20.A.2(e), page 15

The minimum side yard requirement of 6.0 m (20 feet), has been raised as excessive. Consideration for reducing this side yard requirement is warranted, given the limited lot sizes in the vicinity. Modifications to the side yard requirement are recommended as follows:

"s.20.A.2(e) Minimum Side Yard

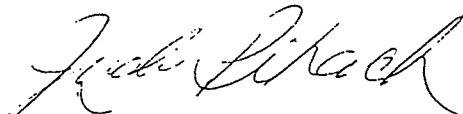
- i) nil where the yard abuts a commercial zone and legal access is available to the rear yard by a private or public lane or easement.
- ii) one side yard 4.0 metres, and the other side yard nil, where the yard abuts a commercial zone and no access to the rear yard is available except via the said side yard
- iii) 9.0 metres where the side yard is adjacent to a residential zone
- iv) 9.0 metres where the yard abuts a street (minimum exterior side yard)"

In addition, s.20.A.2(d) is modified by deleting reference to a minimum exterior side yard. That requirement is addressed in the revised side yard regulations.

Recommendation

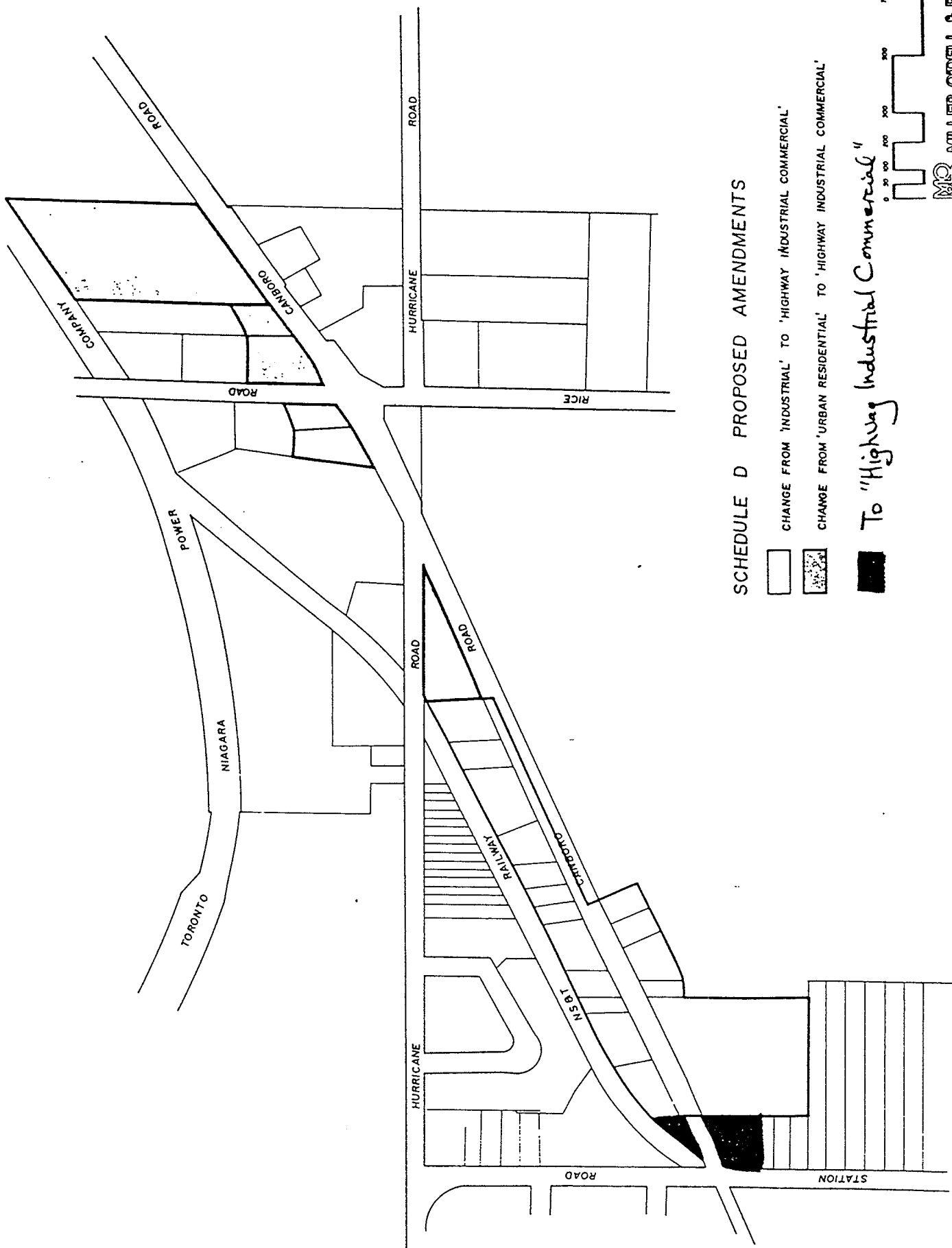
- 1) Staff be directed to schedule a public meeting pursuant to s. 22(21) and 34(12) of the Planning Act.
- 2) The Committee receive the above modifications to the proposed official plan policies and zoning regulations.

Respectfully submitted,



July Pihach
Consulting Planner

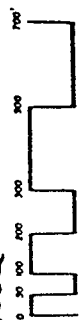
MILLER O'DELL & PAUL

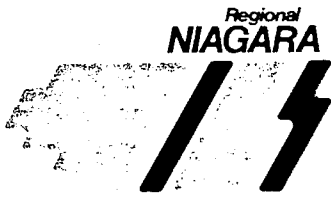


SCHEDULE D PROPOSED AMENDMENTS

- CHANGE FROM 'INDUSTRIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'
- CHANGE FROM 'URBAN RESIDENTIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'

To "Highway Industrial Commercial"





PLANNING AND DEVELOPMENT DEPARTMENT

The Regional Municipality of Niagara
 2201 St. David's Road, P.O. Box 1042
 Thorold, Ontario L2V 4T7
 Telephone: (416) 685-1571

November 4, 1988
 File M.19.21 and M.19.23

Mr. Jack Bernardi, Deputy Clerk
 Town of Pelham
 Box 400
 43 South Pelham Street
 Fonthill, Ontario
 L0S 1E0



Dear Mr. Bernardi:

**Proposed Official Plan &
 Zoning By-Law Amendment
 Highway #20 Study Area
 Town of Pelham**

The Official Plan Amendment proposes to redesignate lands within the study area, as identified in Schedule D, to a new Highway Industrial Commercial category. Very generally this new category will permit light industrial type uses and service type commercial uses. Commercial uses will not be of the retailing nature and will not compete with commercial uses in the downtown core.

The Zoning By-law Amendment will rezone various residential, commercial and industrial zones to a variety of Highway Commercial zones being, "Highway-Commercial-exception"; Highway Commercial Holding, and Highway Commercial.

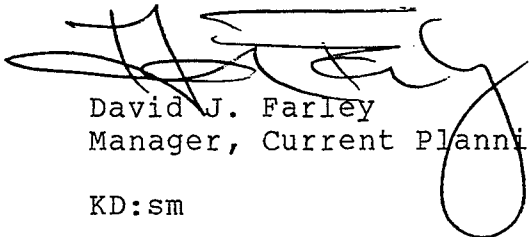
The proposed amendments are a reflection of development that has occurred along Highway #20 which has been a transition from light industrial uses to service commercial use. The study indicates that it is intended that the commercial uses to be permitted will not compete with those commercial uses within the downtown area. However, in reviewing the type of uses to be permitted within the study area a wide range of commercial uses are being suggested for consideration. The Municipality may wish to review the range of commercial uses to ensure they do not compete directly with the downtown core commercial area.

The area of study is situated at the eastern limits of Pelham's urban area and includes some lands which lie outside the Urban Area Boundaries. The Town has attempted to bring those lands located south of Highway 20 and east of Station Street within the urban area through their Official Plan, a Regional Policy Plan amendment (#16) and an amendment to Comprehensive Zoning By-law #1136. This has not transpired to date due to an objection to the Regional Policy Plan Amendment, which is still awaiting an Ontario Municipal Board hearing.

In commenting upon Comprehensive Zoning By-law #1136 the Region recommended that since a decision had not been made to include the lands within Fonthill's Urban Area, Pelham should delete the proposed urban zoning categories on lands along Highway #20 outside the approved Urban Area Boundaries until a final decision has been made on the Official Plan and Regional Policy Plan Amendment #16.

In commenting upon the current Official Plan and Zoning By-law Amendments, the Region generally has no objection to the proposed amendments. However, if the municipality wishes to proceed quickly with the subject amendments, it is suggested that the lands located outside of the urban area be deferred. A deferral from the amendments of those lands which are currently awaiting an Ontario Municipal Board hearing may accelerate approval of those remaining lands already within the urban area.

Yours truly,



David J. Farley
Manager, Current Planning

KD:sm

cc: Mr. Jack Bernardi, Deputy Clerk
Mr. K. Bolechowsky, Approvals Supervisor

2667C



Operations Services
Southern Ontario District
Suite 404
277 Front Street West
Toronto, Ontario
M5V 2X7

7 November 1988

Our File: 4500-P-07

Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, Ontario
L0S 1E0

Attention: Mr. M. Hackett, Clerk

Dear Sir

Re: Proposed Zoning By-Law Amendment, Fonthill Spur

We acknowledge receipt of your letter dated 14 October 1988 requesting comments with respect to the subject document.

The Railway does not favour the locating of any new residential development adjacent to our operated right-of-way.

The proposed development being adjacent to the Fonthill Spur, a Secondary Branch Line, should endeavour to comply with our standards for noise, vibration and safety, as attached.

We request that the Municipality and proponents have regard for our requirements, where pertinent. ~~For your reference, enclosed is a copy of the Proposed Provincial Policy.~~

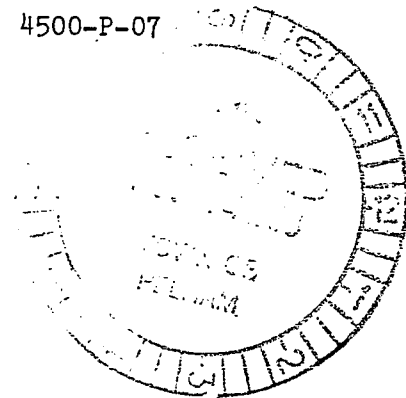
Should you have any questions, please contact the undersigned at (416) 860-2618.

Yours truly

J. G. Walsh, P. Eng.
For: G. B. Harrison, P. Eng.
Technical Support Engineer

LL/T15629

Att.



TOWN OF PELHAM	
REFERRED TO:	
MAJOR	<input type="checkbox"/>
COUNCIL	<input type="checkbox"/>
P. W. & U.	<input type="checkbox"/>
P. & D.	<input checked="" type="checkbox"/>
PLANNING	<input type="checkbox"/>
OTHER	<input type="checkbox"/>



- A. Safety berm adjoining and parallel to the Railway right-of-way:
 - (i) Minimum height 2 metres and side slopes not steeper than 2.5 to 1.
 - (ii) No noise attenuation fence required.
- B. Safety setback of dwellings from the railway right-of-way to be a minimum of 15 metres.
- C. Ground-borne vibration transmission to be estimated through site testing and evaluation to determine if dwellings within 75 metres of the Railway right-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec. RMS between 4 Hz. and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec. RMS on and above the first floor of the dwelling.
- D. The following clause should be inserted in all offers to purchase, agreements of sale and purchase or lease and in the title deed or lease of each dwelling; "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."
- E. Any proposed alterations to the existing drainage pattern affecting Railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- F. The Developer shall install and maintain at his own expense, a chain link fence of minimum 1.83 metre (6 feet) height along the mutual property line, which shall be maintained by the Owner.
- G. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have the sole responsibility for and shall maintain these measures to the satisfaction of CN Rail.
- H. Pursuant to the Planning Act, the Municipality shall provide this office of the Railway with written notice of the public meeting, by-law and passing of the by-law appropriately zoning the lands hereby proposed for subdivision.
- I. The Owner shall enter into an Agreement stipulating how CN Rail's concerns will be resolved and will pay CN Rail's reasonable costs in preparing and negotiating the agreement.

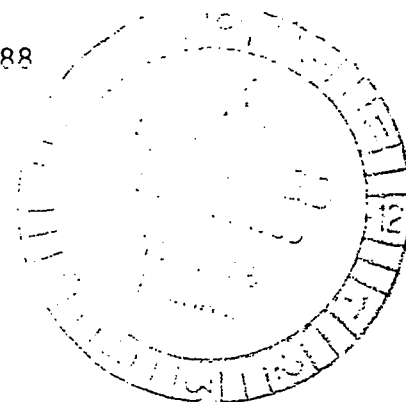


Transportation Corridor
Management Office
Room 226, Central Building
1201 Wilson Avenue
Downsview, Ontario
M3M 1J8

Telephone No. 235-3829

November 8, 1988

Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, Ontario
L0S 1E0



Attention: Murray Hackett

Dear Sir:

Re: Proposed Official Plan/Zoning By-Law Amendment
"Multiple Uses" Highway No. 20
District No. 4 Burlington

Thank you for notifying this Ministry of the public meeting concerning the above noted amendment.

Building/land use permits are required from this Ministry for all development within our permit control area. As Highway No. 20 is considered to be a major highway within the provincial road system, entrance permits would be in accordance with "Provincial Highway Access Controls".

We enclose a copy of the above guidelines for your information.

Yours truly,

Marilyn Hillier

Marilyn Hillier (Mrs.)
Head
Land Development

MH/pp

cc: District No.4
Central Region

TOWN OF PELHAM	
REVIEWED TO:	
MAYOR	<input type="checkbox"/>
COUNCIL	<input type="checkbox"/>
P. W. & U.	<input type="checkbox"/>
P. & D.	<input checked="" type="checkbox"/>
FINANCE	<input type="checkbox"/>
STAFF	<input type="checkbox"/>
OTHER	<input type="checkbox"/>



Office of the
Minister

Ministry of
Transportation and
Communications

Ferguson Block
Queen's Park
Toronto, Ontario
M7A 1Z8
416/965-2101

Councils and Other Development
Approving Authorities

Re: Provincial Highway Access Controls

The availability of access to Provincial highways to service future development is an important element in your approval process. Therefore, I am taking this opportunity to send you an information package on this topic.

First of all, I have enclosed a set of Provincial Highway Access Control Maps. These maps indicate five classes of highways for access control purposes. The map legend should be supplemented by the enclosed chart which describes the design characteristics, functions and access policies for the five classes of highways. Also enclosed is an explanation of our access control philosophy and legislation.

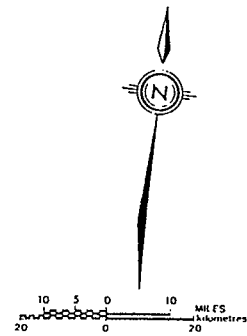
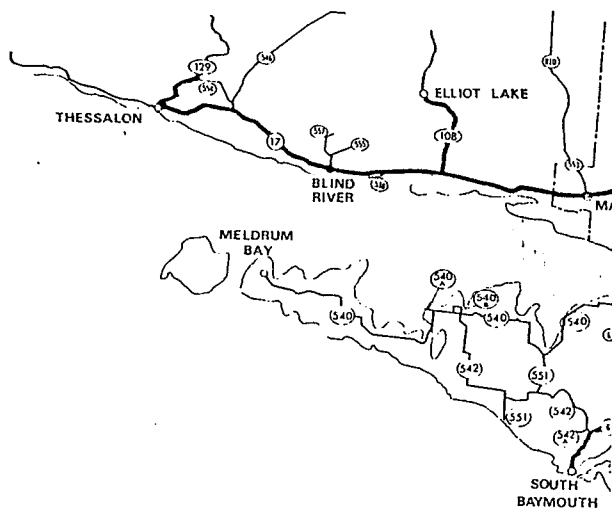
I recognize that development in certain areas may be dependent upon access to Provincial highways. I believe that our present policies are sensitive to these needs and try to accommodate private development proposals. However, our first concern is to ensure that the Provincial highway system remains an efficient and safe one. This means that new and upgraded entrances will only be granted when it is clear that they will not detract from the operation of the Provincial system.

I am seeking your support in understanding our responsibilities and recognizing our access policy guidelines in your planning decisions.

Yours sincerely,

Ed Fulton
Minister

Attachment



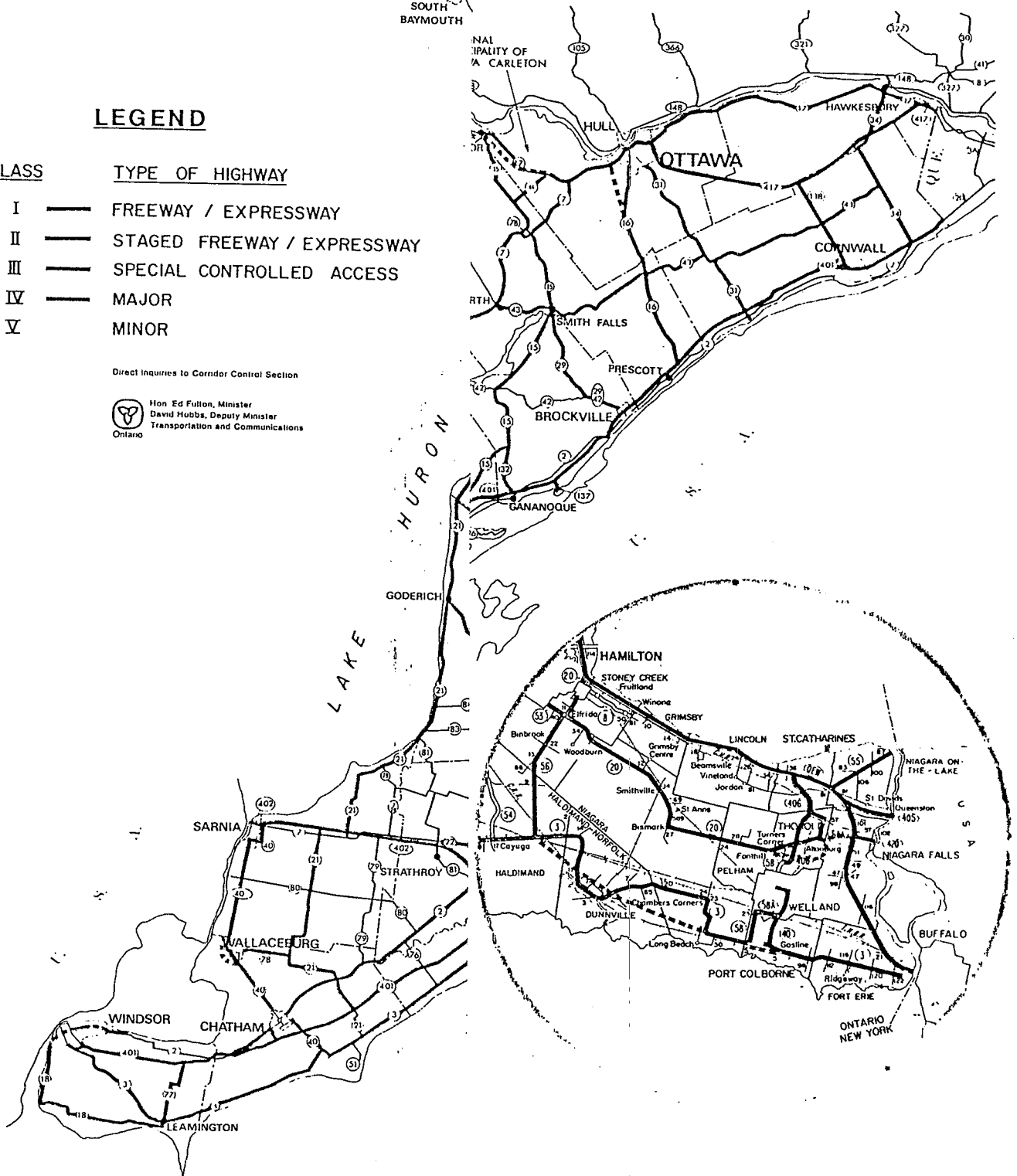
LEGEND

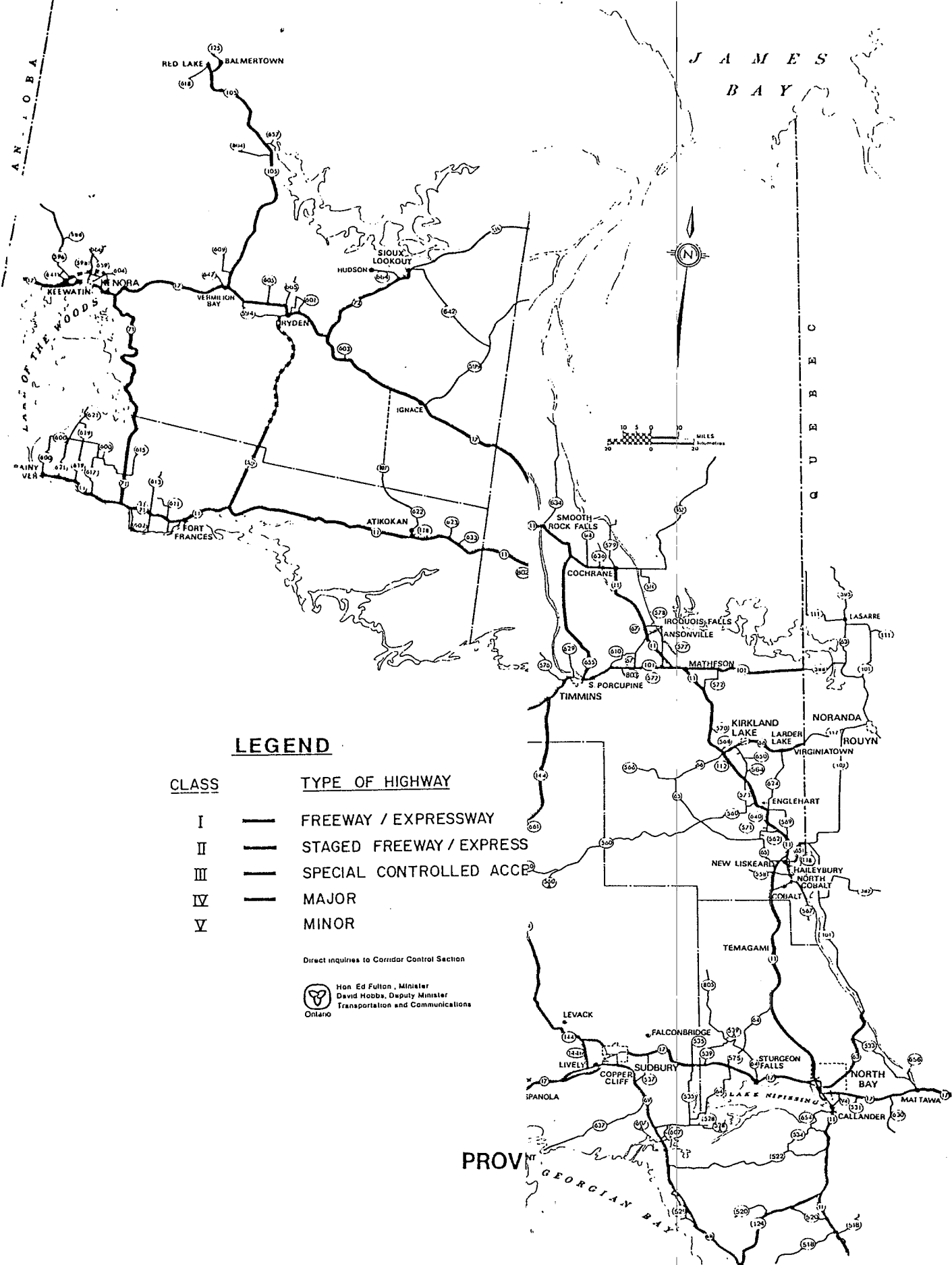
CLASS	TYPE OF HIGHWAY
I	FREEWAY / EXPRESSWAY
II	STAGED FREEWAY / EXPRESSWAY
III	SPECIAL CONTROLLED ACCESS
IV	MAJOR
V	MINOR

Direct Inquiries to Corridor Control Section



Hon. Ed. Fulton, Minister
David Hubbs, Deputy Minister
Transportation and Communications
Ontario





CLASS	TYPE
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I	Freeways & Expressways
---	------------------------

(Colour Code - Green)

II	Staged Expressways & Freeways
----	-------------------------------

(Colour Code - Blue)

III	Special Controlled Access
-----	---------------------------

(Colour Code - Purple)

IV	Major
----	-------

(Colour Code - Red)

V	Minor
---	-------

(Colour Code - Yellow)

* IN ALL CASES, SAFI PRESSURES, SOME CI NOT BE DESIGNATED

PROVINCIAL HIGHWAY ACCESS CONTROLS

INTRODUCTION :

The demand for new entrances to Provincial highways to provide access to newly created parcels has affected the safety and operating viability of the Provincial highway system. The resultant ribbon development adjacent to rural sections of our highways was the catalyst for the development of the Ministry's access control maps and policies in the 1970's. Severances, unlike most plans of subdivision, usually rely on existing roads and highways for access. As the scale of development is small, the owner is normally unable and unwilling to construct a road to serve his new lot(s). However collectively, these severances place considerable pressure on the road authorities. This pressure has multiplied as zoning amendments are approved for commercial and industrial uses along the highways.

FUNCTION OF HIGHWAYS :

The main function of a Provincial highway is to carry through traffic in a safe and efficient manner.

Some highways, particularly in Northern Ontario, were constructed to facilitate resource development and settlement in undeveloped areas. Some of these highways perform a more local function, in the absence of an upper tier municipality to maintain the road.

Most local roads are opened and constructed to provide direct driveway access to individual properties. Certain highways can also provide direct driveway access to abutting lands on a limited basis. However, too many entrances will interfere with and eventually prevent the highway from carrying through traffic over longer distances.

REASONS FOR ACCESS CONTROL :

Safety and efficiency of the highway as a through traffic carrier are the primary reasons for limiting access points.

Most people recognize that an entrance must meet certain minimum visibility requirements. Curves and grades of the highway itself may obstruct visibility. Other obstructions include rock cuts, buildings or structures, and guiderails. However, entrances can also be hazardous if they cross truck climbing lanes or storage lanes at or near intersections. The design of the entrance can also be important to the safety and operation of the highway. However, even when all of these aspects are satisfactory, too many entrances can completely ruin a highway. This is because cars waiting to turn left into an entrance must stop in the through traffic lanes until it is safe to turn. Other cars are forced to stop behind them, until the turning movement has been completed. These turns not only slow the traffic, but also can be a major cause of accidents, particularly on busy highways.

REASONS FOR ACCESS CONTROL (cont'd)

Once such a problem exists, the solutions can be very expensive:

- (a) relocate the highway on new alignment or by-pass the built-up sections;
- (b) remove existing entrances, which may require the purchase of adjacent lands;
- (c) install a median barrier to prevent left turns (this may require the construction of a number of grade separated interchanges);
- (d) highway widenings and intersection channelizations.

Some of these solutions are not only expensive for the public, but they may also affect the businesses located along the highways. In view of these operational problems and increased costs associated with numerous access points, the Ministry has ranked the entire Provincial highway system into five groups based on the present and future importance of each highway as a through traffic carrier. The most important routes cannot tolerate direct access, while the balance can tolerate various degrees of access. Due to the scale of the maps, the colour denotes the overall route or link's access category. It does not show short variations, such as:

- connecting links (transferred routes of highway within built-up areas)
- King's Highway sections of Class 3 Highways (again, built-up areas)
- Controlled Access Highway sections of Class 4 and 5 Highways where development pressures warrant greater control (access rights may have been purchased as part of a new route).

The Provincial Highway system is grouped into the following five classes for the purpose of land access control:

- Class 1 - Freeways and Expressways
- Class 2 - Staged Expressways and Freeways
- Class 3 - Special Controlled Access Highways
- Class 4 - Major Highways
- Class 5 - Minor Highways

FREEWAYS AND EXPRESSWAYS :

Both are divided arterial highways that are accessible only from intersecting arterial streets at approved locations. In the case of "freeways" the street intersections are "grade separated" whereas "expressways" may have some (or all) "at grade" intersections, depending on traffic volumes. All Class 1 highways are freeways or expressways, although construction may be staged so that only two of the four or more lanes are initially constructed. This construction staging should not be confused with Class 2 highways which are Staged Freeways/Expressways in the planning sense.

STAGED FREEWAYS AND EXPRESSWAYS :

Class 2 highways are existing arterial highways (divided or undivided) with existing direct access points. Generally, these entrances were granted before the Ministry determined the need to convert the highway route to a freeway/expressway design. Eventually, the Ministry will have to either acquire these access rights or provide alternate access to these properties. NO NEW DIRECT ENTRANCES WILL BE PERMITTED TO CLASS 2 HIGHWAYS. In some circumstances, some expansion of existing development may be permitted in the interim stage. Also, some very short sections of Class-2 routes may be by-passed in the ultimate design. The Highway Access Control maps do not show this type of detail.

SPECIAL CONTROLLED ACCESS HIGHWAYS :

Class 3 Highways together with Class 1 and 2 highways constitute the primary highway system. However, the traffic volumes which they are expected to carry are not sufficient to warrant freeway design. Therefore, existing direct access points will be allowed to remain and some new access points may be permitted. However, to notify the public of the importance of the routes, these highways are or will be designated as Controlled Access Highways. Variations will exist in access policies for these highways. Where possible,* most vacant lots will be permitted direct access in accordance with the zoning in force at the date of designation of the highway as controlled access. Also, new public road entrances will be permitted at appropriate locations and some new direct access may be permitted for newly created lots within a settled area (e.g. hamlet in a reduced speed zone) or for properties with sufficient frontage to meet Ministry guidelines. In certain circumstances, common or shared entrances may also be approved. However, the Ministry would not approve the upgrading of a residential or farm entrance to commercial/ industrial/ institutional for a new use on many Class 3 Highways, particularly if other commercial entrances are nearby.

* must meet all geometric design requirements of M.T.C. to qualify for commercial/industrial/ institutional or public road access. (See page 1, last paragraph for examples of M.T.C. safety and design requirements).

MAJOR HIGHWAYS :

Class 4 highways can tolerate some additional direct land access, but their prime function is still to serve the through traffic movements. Existing direct entrances will be allowed to remain. Where possible, most vacant lots will be permitted one direct entrance in accordance with the existing or upgraded zoning. Normally each ownership is limited to one main building and one entrance. New direct entrances to service proposed new ownerships can be considered PROVIDED no alternate access exists, all Ministry design and safety considerations can be met and one of the following conditions can also be met:

- 1) An owner has a minimum frontage of 300 metres (1000') so that, following severance, an average minimum spacing of one entrance per 150 metres (500') of highway frontage will be achieved; or
- 2) The section of highway is built-up to the point that it will probably be by-passed in the not-too-distant future (i.e. speed limit is less than 80 kilometres per hour due to the amount of existing development) and no other means of access is available.

Conversion of an existing entrance to a mutual entrance to serve two ownerships or two or more main buildings on one ownership can be considered, provided:

- the subject lands have not been the subject of a severance since January 25, 1982;
- the main buildings both qualify for the same entrance standard (i.e. residential or commercial);
- the highway's accident rate is 25% below average;
- the highway frontage of the combined ownership or total holding is 150 m (500 feet) or greater.

New direct access points will also be granted for proposed road entrances at appropriate locations.

MINOR HIGHWAYS :

Class 5 Highways in rural areas can perform both the land access function as well as serving through traffic movements. In addition to the exemptions, as outlined under Class 4, Major Highways, M.T.C. will take a more lenient approach on Class 5 Highways and agree to abide by the municipality's decision and issue necessary entrance permits unless Ministry design and safety considerations cannot be achieved. The municipality should consider the consequences of approving development which requires additional direct access to these highways. Ministry comments to consent granting authorities will point out where additional direct entrances will contribute to the deterioration of the highway and resultant speed reductions. Many of these highways are important traffic carriers from a regional point of view. Therefore, the public investment in the route should be preserved by careful land use decisions.

M.T.C. PERMITS :

The statutory authority for M.T.C.'s permit control is the highway designation pursuant to the Public Transportation and Highway Improvement Act (R.S.O. 1980). The pertinent sections of the Act are:

- Section 7 - allows the Lt. Governor in Council to designate a highway or proposed highway as the King's Highway by Order-in-Council, which shall be registered in the appropriate land registry office;
- Section 31 - prohibits any interference with, or construction of an access to a King's Highway, except under permit from the Minister;
- Section 34 - prohibits, except under permits, the placing of buildings, structures, shrubs, etc. within 45 m from the highway right-of-way limits or within 180 m from the centre line of a road intersection with the highway. Signs are controlled within 400 m (1/4 mile) and large traffic generators within 800 m (1/2 mile);
- Section 38 - is similar to Section 34, except that it pertains to controlled access highways (designated and registered under Section 36) includes more items (utilities, etc.) and controls both construction and use. The control area at intersections is greater at 395 m;
- Section 40 - allows the Lt. Governor to designate any highway as a Secondary Highway; whereupon all of the King's Highway provisions then apply;
- Section 41 - pertains to Tertiary Roads. Access thereto is controlled but permits are not required for buildings on adjacent lands (i.e. Section 34) and there is minimal maintenance performed.

While Sections 31, 34 and 38 in effect prohibit all development within the controlled areas, this condition is alleviated by the issuance of a permit by the Minister. The purpose of this permit control is to ensure compatibility of development with the highway system. Permits are not required for development adjacent to "connecting links".

Connecting links are former highway routes which were transferred to a municipal authority under Section 29 of the Public Transportation and Highway Improvement Act. They are no longer classified as Provincial highways. They are still signed as highways for the benefit of the travelling public.

Permits under Sections 31, 34 and 38 are the administrative responsibility of the 18 District Offices of M.T.C. Each District Office has one or more Sign and Building Permits Inspectors. All applications for permits are made through the appropriate District Inspector. In certain instances, these applications are referred by the District offices to the Regional Planning and Design Offices.

M.T.C. PERMITS (cont'd)

The five Regional Offices are responsible for the future planning of the highway system. In order to protect for future options, the Regional Director remains the final authority on permits, although the vast majority of permits are handled in the District Offices. Occasionally, through political representations, a permit refusal is brought to the direct attention of the Minister. There is no legal recourse beyond the Minister unless the Courts determine that the Minister has refused permits on grounds which are beyond his mandate. Therefore, bodies such as the Ontario Municipal Board cannot rule on M.T.C. permit matters.

CIRCULATION OF DEVELOPMENT PROPOSALS :

In a large decentralized Ministry, it is difficult to know which office should be contacted for comments. Also, while highways are a major focus, we are also interested in all forms of transportation and communications. Therefore, it is important that approving agencies circulate all Official Plans, Zoning By-laws, Plans of Subdivision and most major amendments to M.T.C. Specifically, our interests include new local roads, transit, ports, government docks, many airports, rail relocation projects, radio, television, cable and telecommunication towers and facilities as well as any land use or access proposal affecting the foregoing, including wayside pits and quarries. In view of this wide area of interest, our Head Office Corridor Control Section performs, as one of its functions, a co-ordinating role on most development proposals. This includes obtaining input from all affected M.T.C. offices as well as from GO TRANSIT where appropriate. Please avoid multiple circulations to several M.T.C. offices as this creates confusion and added workload. When soliciting M.T.C. input on development proposals, the chart on the following page should be used.

ENQUIRIES :

Any enquiries regarding this information package should be directed to:

Transportation Corridor Management Office
Ministry of Transportation
and Communications
Room 226, Central Building
1201 Wilson Avenue
Downsview, Ontario
M3M 1J8
Telephone No. (416) 235-3826

C I R C U L A T I O N O F D E V E L O P M E N T P R O P O S A L S

M. T. C. O f f i c e s

<u>Types of Application</u>	<u>District</u>	<u>Region</u>	<u>Head Office</u>
M.T.C. Permit Applications (Entrances, Buildings, Signs, Encroachments)	Signs & Permits Inspector		
Site Plan Applications (Highway Related)	Signs & Permits Inspector*		
Consent and Variance Applications	District Engineer (Attn: Signs & Permits)*	Regional Director (Attn: Corridor Control)*	
Development Permits (Niagara Escarpment Area)		Corridor Control (London or Toronto)	
(Amendments to) Official Plans, Zoning By-laws, Niagara Escarpment Plan, Parkway Belt Plan, Minister's Zoning Orders, Plans of Subdivision and Condominium Plans			Corridor Control Room 226, Central Bldg Downsview

* Where circulation involves non-highway related transportation issues (such as a future transit study) circulation should be sent to Head Office Corridor Control to obtain a complete response.

November 15, 1988

Memo to: Chairman D. Hubbard
Members of Planning & Development Committee

From: Judy Pihach, Planning Consultant
Miller O'Dell & Paul

Re: Revisions to Highway 20 Commercial Review

Pursuant to comments and discussion from the previous meeting, September 13, 1988, the following revisions are recommended.

1. Kaiser Property

The narrow configuration of this lot severely restricts development opportunities within that portion of the lot currently proposed for inclusion in the "Highway Industrial-Commercial" designation (See Schedule D attached). In order to maximize the development potential of the site, it is suggested that additional lands be included in the proposed "Highway Industrial-Commercial" designation, as indicated on Schedule D. Accordingly, the lands should be included as part of the proposed Highway Commercial-Holding HC(H) zone as shown on Schedule E.

2. Screening Along Rear Lot Lines Abutting Railway

The proposed zoning for lands abutting the railway does not include a rear yard setback so that the limited lot sizes in this vicinity can be utilized to the greatest extent. The railway lands to a certain extent act as a separation buffer, however the need for additional screening is required for the benefit of residential uses north of the railway. Rather than include a rear yard setback requirement, a planting strip along the rear lot line would serve to screen commercial properties from residential properties while minimizing the absorption of usable land on commercial lots already severely restricted in size. A planting strip is defined as "an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following screening devices: i) a continuous row of trees; ii) a continuous hedgerow of evergreens or shrubs; iii) a berm; iv) a wall; or v) an opaque fence".

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Accordingly, it is recommended the proposed zoning provisions in Section 20.A.2 h) (Landscaping) be amended as follows:

Section 20.A.2 h)

Landscaping

In addition to the provisions of section 6.17 Planting Strips, a planting strip shall be required along the front lot line, exterior side lot line and rear lot line where it abuts a street, and shall be required along any lot line which abuts a railway.

(Note: The underlining indicates the addition.)

3. Definition of Warehouse Sales Outlet

"Warehouse sales outlet" is a permitted use in the proposed zoning. Clarification of this use is required in the definitions section of the by-laws as follows:

"Warehouse sales outlet (factory outlet, warehouse showroom) means a building or structure or part thereof where commodities are stored and offered for sale and shall include only the following home furnishing and home improvement products: furniture, appliances, electrical fixtures, carpets and floor coverings, building supplies, plumbing supplies, draperies and decorating supplies such as paints and wallpaper."

This definition is consistent with the Highway Commercial context intended for Highway 20 and does not include retail warehousing associated with food supermarkets, pharmacies or drugs, apparel and accessories, and hardware. The exclusion of these types of retail warehouse sales outlet is to preserve the viability of the Town's commercial centre.

4. Parking Standards

The current parking standards in the Town's zoning by-law were reviewed as a result of the suggestion that current requirements were not adequate. The suggestion was made that one space per 200 square feet (18 square metres) should be applied for retail uses and one space per 4 seats seating capacity in restaurants be considered.

The current standards in By-law 1136 relevant to Highway 20 include:

Eating Establishments	-	1 parking space per 4 persons seating capacity
Shopping Centre (defined as any commercial retail complex greater than two units)	-	1 parking space per 17 square metres (183 square feet)
Retail Store (other than a furniture store, factory outlet, warehouse outlet)	-	1 parking space per 30 square metres (323 square feet) of net floor area
Furniture Store Factory Outlet, Warehouse Showroom	-	1 parking space per 100 square metre (1076 square feet) of net floor area
Industrial Establishment	-	1 parking space per 50 square metres of manufacturing floor area

In reviewing a variety of parking standards in various municipalities, the above standards do not appear to be out of line. It is worth noting that the current standards are fairly close to, if not the same as, the suggested standards relating to restaurants and commercial uses in shopping centres (as defined) locations.

The standard required for single retail operations is slightly lower than most municipalities and a more stringent standard is in order for those uses. A standard of 1 space per 25 square metres (269 square feet) is recommended for single retail stores.

5. Uses Not Permitted in the Proposed Highway Commercial Zone

Convenience Retail uses have been deleted as a permitted use in this area. Two existing zonings within the study area already permit convenience retail stores. The definition of

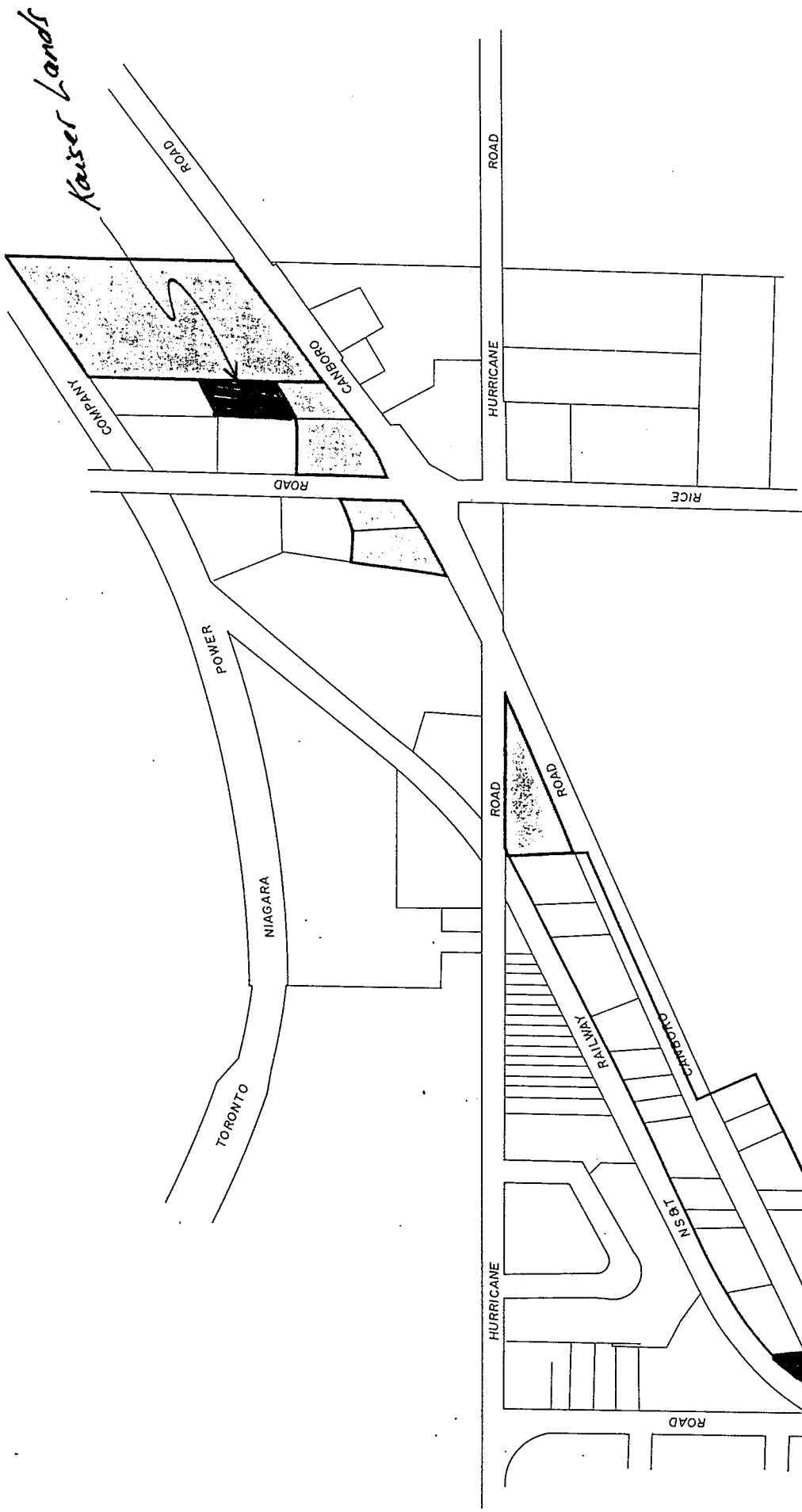
convenience retail includes a broad range of uses more suited to a Neighbourhood Commercial location where the "occasional need of the residents in the immediate area" can be readily met.

6. Additions to Proposed Highway Commercial Permitted Uses

The original list of permitted uses in the proposed Highway Commercial Zone inadvertently omitted vehicle autobody shops and dry cleaning plants. These uses are permitted in the current M1 zoning and should be retained in the proposed zoning. Vehicle autobody shops and dry cleaning plants should be added to the list of permitted uses in the proposed Highway Commercial zone.

Recommendations

- 1) The Committee receive the recommendations detailed herein.
- 2) The Committee direct the required official plan and zoning amendments be drafted for adoption.



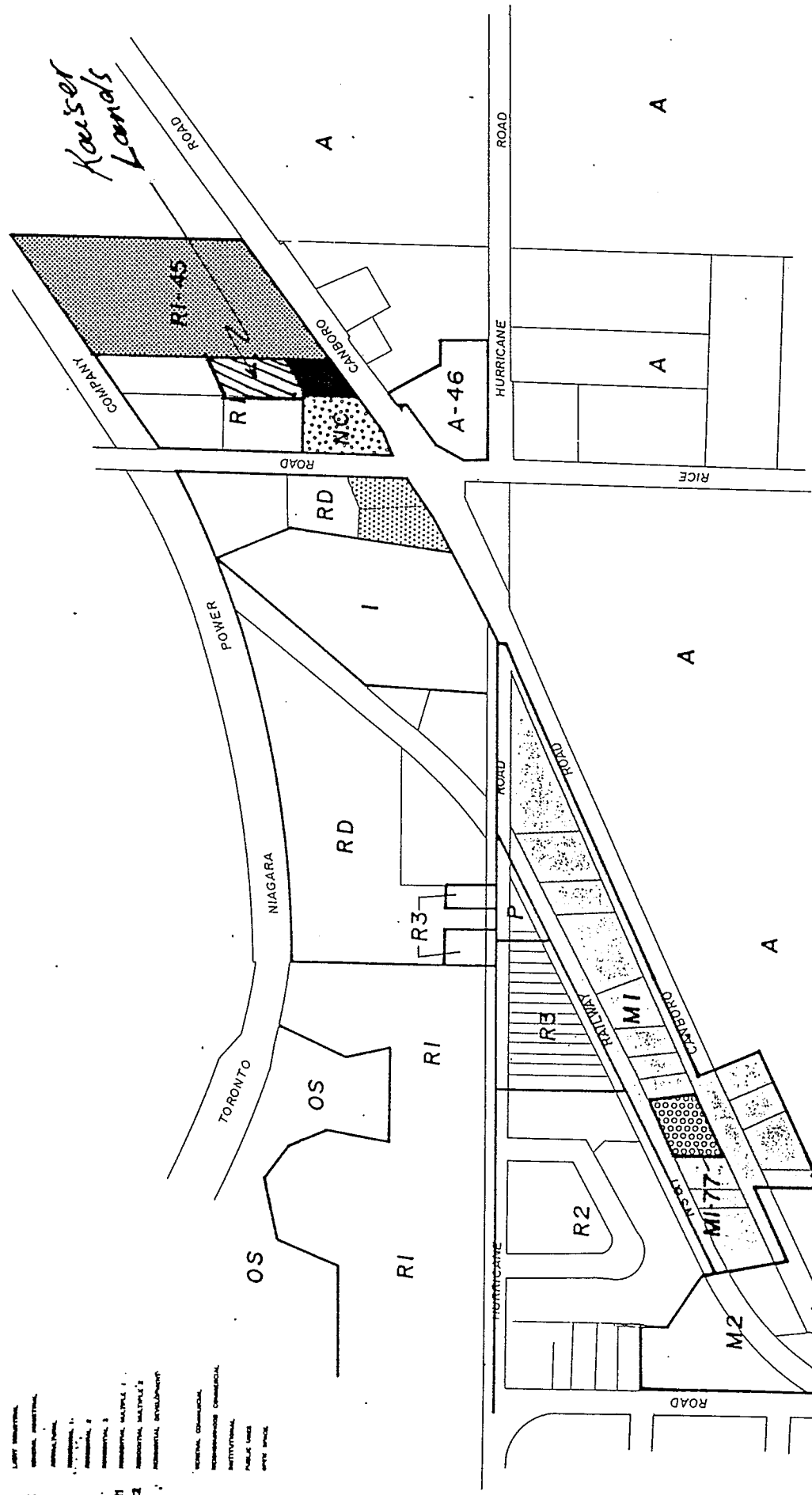
SCHEDULE D PROPOSED AMENDMENTS

- CHANGE FROM 'INDUSTRIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'
- CHANGE FROM 'URBAN RESIDENTIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'

To 'Highway Industrial Commercial'



- M1 LIGHT INDUSTRIAL
- M2 MEDIUM INDUSTRIAL
- A AGRICULTURAL
- R1 RESIDENTIAL 1
- R2 RESIDENTIAL 2
- R3 RESIDENTIAL 3
- RM1 RESIDENTIAL MEDIUM DENSITY 1
- RM2 RESIDENTIAL MEDIUM DENSITY 2
- RD RESIDENTIAL DEVELOPMENT
- OC OFFICE COMMERCIAL
- MC MEDIUM DENSITY COMMERCIAL
- I INSTITUTIONAL
- P PUBLIC SPACE
- OS OPEN SPACE



SCHEDULE E PROPOSED ZONING

- FROM RESIDENTIAL DEVELOPMENT (RD) TO HIGHWAY COMMERCIAL (HC(H))
- FROM RESIDENTIAL (R1) TO HIGHWAY COMMERCIAL (HC(H))
- FROM M1-77 TO HIGHWAY COMMERCIAL (HC-77)

- FROM LIGHT INDUSTRIAL (M1) TO HIGHWAY COMMERCIAL (HC)
- FROM RI-45 TO HIGHWAY COMMERCIAL (HC)
- FROM NEIGHBOURHOOD COMMERCIAL (NC) TO HC-79

To Highway Commercial Holding - HC(A)

March 20, 1989

Chairman B. Walker
Members of Planning & Development Committee

Re: Highway 20 Commercial Review

This study was first presented to the Committee June 28, 1988 for discussion purposes. An informal public meeting was held September 13, 1988, followed by a formal public meeting November 15, 1988. The original report and subsequent planning reports are appended hereto (Appendix A) for your reference and information.

The focus of this study was to review the changing role of Highway 20 from Station Street to the Pelham municipal boundary. The current official plan policies and zoning focus on the area as an industrial corridor with limited permitted commercial uses. A variety of factors have contributed to this corridor as an emerging highway commercial area rather than an industrial corridor. Accordingly, amendments to the official plan and zoning by-law are recommended to broaden the range of commercial and light industrial uses at this location.

Proposed Official Plan Amendment

The key elements of the proposed official plan amendment are:

- i) recognizes the Highway 20 corridor as a commercial entity as opposed to an industrial corridor;
- ii) provides a broader range of highway commercial and light industrial uses;
- iii) prohibits shopping centre developments;
- iv) permits a limited amount of office and retail commercial uses but affords the municipality the opportunity to closely examine such development proposals by requiring a rezoning to permit such development proposals;
- v) requires site design elements be given special consideration to minimize traffic congestion and maximize the aesthetic qualities of the area as an entrance to Fonthill.

It is recommended the official plan be amended as follows:

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1. Land Use Plan be amended to redesignate those lands identified on Schedule A attached from "Urban Residential" and "Industrial" to a new designation entitled "Highway Industrial-Commercial".
2. Introduce a new policy section in the official plan following Section 1.23 as follows:

"1.23.A - Highway Industrial-Commercial

The lands designated Highway Industrial-Commercial focus on the Highway 20 corridor from Station Street through to the eastern municipal boundary. Industrial and commercial uses within this designation shall focus on the role of Highway 20 as a major transportation corridor through the Town and as an entrance to the urban area of Fonthill.

- 1.23.A.1 Commercial uses permitted within the designation include restaurants, gas stations, car wash establishments, car dealerships, hotels, motels, building supply outlets, construction trades suppliers, nursery or garden centres, farm produce market, and similar uses catering to the travelling public and vehicular traffic providing:

- i) all storage is enclosed.
- ii) open display areas for retail or wholesale sales be adequately landscaped and/or screened to reflect the prestige location at the entrance to the Fonthill urban area.
- iii) no detrimental effects result from noise, dust, fumes, vibration, etc.
- iv) the building and site be designed attractively to reflect the prestige location at the entrance to the Fonthill urban area.
- v) adequate buffering measures be incorporated to screen the use from abutting residential uses.

- 1.23.A.2 Ancillary commercial uses permitted include banks, professional and business offices and a limited amount of retail uses. These ancillary commercial uses shall:

- i) not threaten the viability of the commercial core in Fonthill, and a market study may be required to provide evidence to that effect;

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- ° ii) not detract from the primary permitted uses focusing on vehicular traffic and the travelling public;
 - iii) not threaten the overall character of the area or absorb so much land that the character of the area would be threatened or altered significantly;
 - iv) be permitted only by amendment to the zoning by-law.
- 1.23.A.3 A shopping centre greater than 930 square metres (10,000 square feet) shall not be permitted in this designation.
- 1.23.A.4 Industrial uses permitted within this designation include light manufacturing, warehousing and industrial servicing and supply operations providing they are compatible with the commercial character of the area, and providing:
- i) all storage is enclosed;
 - ii) no detrimental effects result from noise, dust, fumes, vibration, etc.;
 - iii) the building and site be designed attractively to reflect the prestige location at the entrance to the Fonthill urban area;
 - iv) adequate buffering measures be incorporated to screen the use from abutting residential uses.
- 1.23.A.5 Notwithstanding the permitted uses of this section, the existing building supply operations with open storage facilities located north and south of Highway 20 just east of Station Street, shall be permitted.
- 1.23.A.6 The following design criteria be addressed in the review of development and redevelopment applications along this corridor:
- i) Joint or consolidated access points be implemented wherever possible to minimize entrance points and traffic congestion .
 - ii) The public road right-of-way be clearly delineated as a separate entity via landscaping, fencing, or similar measures to provide clear definition of the street.

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iii) Linked parking areas from one property to the next be encouraged to reduce the number of turns onto and off of Highway 20.

iv) Landscaping amenities be required and implemented to provide an attractive entrance to the urban area of Fonthill."

The existing industrial policies in the plan will require minor modification to delete reference to the Highway 20 corridor.

The official plan amendment above addresses the following issues which were raised since the original report was discussed at committee.

- 1) Inclusion of additional lands within the Highway Industrial Commercial designation, namely, the lands at the southeast corner of Station Street and Highway 20; the lands at the northeast corner of Station Street and Highway 20 (Fonthill Lumber) and lands to the immediate west of Stallwoods (Kaiser property).
- 2) The restriction of shopping centre developments (defined as greater than 2 units in one commercial complex) within this designation, to those with less than 10,000 square feet (930 square metres). Shopping centres greater than 10,000 square feet would require an official plan amendment.

Proposed Zoning By-law Amendment

The key elements of the proposed zoning are:

- i) permits a broader range of commercial uses suited to a highway location;
- ii) requires upgraded landscaping requirements in an effort to present an aesthetically pleasing entrance to Fonthill;
- iii) limits retail activity to reduce negative impacts on the commercial core;
- iv) provides regulations suited to the existing lot sizes.

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The following amendments to the zoning by-law are proposed accordingly.

- 1) The relevant zoning schedules be amended as indicated on Schedule B attached, to rezone the Highway 20 corridor to a new "Highway Commercial HC" zone.
- 2) A new zone be introduced into the by-law as Section 20A - Highway Commercial HC zone as follows:

"Section 20 A - Highway Commercial Zone

Subject to the general provisions of Section 6 and other applicable requirements of this by-law, the provisions of this section shall apply throughout the Highway Commercial Zone.

20.A.1 Permitted Uses

- a) automobile service stations; motor fuel retail outlets; car washes (automatic or coin operated); vehicle repair shops; motor vehicle sales, service and rental establishments; vehicle autobody shops; dry cleaning plants; farm implement sales and service; service shops; restaurants including take-out; drive-in, eat-in restaurants and refreshment rooms; places of entertainment and recreation; public and private clubs; hotels, motels; custom workshops; showrooms; light manufacturing and warehousing within wholly enclosed buildings; farm produce market; personal service shop; antique shop; arts and crafts shop; magazine, stationary or tobacco shop; bakery; bakeshop; bank; delicatessen; studio; souvenir and novelty shop; building supply outlets within wholly enclosed buildings; nursery or garden centre; swimming pool sales and service; machinery and equipment sales, service and rental; boat, trailer and recreational vehicle sales, service and rental; funeral homes and undertaking establishment; plumbing, heating, electrical, air conditioning, radio and television sales, service and rental; warehouse sales outlets.
- b) uses, buildings and structures accessory to the foregoing permitted uses.

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20.A.2 Regulations for Permitted Uses

- a) Minimum Lot Frontage 30m (100 sq.ft.)
- b) Minimum Lot Area 1400 sq.m.
(15,070 sq.ft.)
- c) Maximum Lot Coverage 60 percent
- d) Minimum Front Yard 18m (60 feet)
- e) Minimum Side Yard

- i) nil where the yard abuts a commercial zone and legal access is available to the rear yard by a private or public lane or easement
- ii) one side yard 4.0 metres, and the other side yard nil, where the yard abuts a commercial zone and no access to the rear yard is available except via the said side yard
- iii) 9.0 metres where the side yard is adjacent to a residential zone
- iv) 9.0 metres where the yard abuts a street (minimum exterior side yard)"

- f) Minimum Rear Yard none except where adjacent to a residential zone the minimum rear yard shall be 9.0m.

- g) Yards Adjacent to a Railway

Notwithstanding sections e) and f) herein, no minimum side yard or rear yard shall be required adjacent to a railway.

- h) Landscaping

In addition to the provisions of section 6.17 Planting Strips, a planting strip shall be required along the front lot line, exterior side lot line and rear lot line where it abuts a street, and shall be required along any lot line which abuts a railway.

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i) Exterior Lighting

In addition to the provisions of section 6.16 e), exterior lighting and illuminated signage shall be directed away from any adjacent residential zone.

j) Loading Spaces

In addition to the provisions of section 6.9, no loading space shall be permitted in a yard adjacent to a residential zone."

- 3) A new definition be introduced into the zoning by-law as follows:

"Warehouse sales outlet (factory outlet, warehouse showroom) means a building or structure or part thereof where commodities are stored and offered for sale and shall include only the following: home furnishing and home improvement products, furniture, appliances, electrical fixtures, carpets and floor coverings, building supplies, plumbing supplies, draperies and decorating supplies such as paints and wallpaper."

- 4) The Parking Standards in the by-law be revised to require more parking for a single retail operation. In particular, Section 6.16 a), Parking Area Requirements be revised as follows:

<u>Type of Use</u>	<u>Minimum Parking Requirement</u>
Retail store (other than a furniture store or factory outlet)	delete "1 space per 30m ² (323 sq.ft.)" and replace with "1 space per 25m ² (269 sq.ft.)"

The zoning amendment proposed above addresses the following issues which have been raised in discussions since the original report was presented to committee.

- 1) The list of permitted uses has been expanded to include those uses permitted in the existing M1-77 zone recognizing the Land Corp property.

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The original list of permitted uses restricted retail uses to preserve a vibrant core area and to discourage comparison shopping and specialty retail facilities from locations along Highway 20.

At the direction of Council, (October 5, 1989), the permitted uses of the M1-77 zone were extended to a number of properties represented by Mr. Steve Kaiser (Joo Hun Chung, T. Pongray, Kaiser-Stallwood Developments, J. Hajcman-Olympic Plumbing, H. Baltjes-Star Tile, and Terrance Dawson). In an effort to be consistent with all property owners along Highway 20, it is suggested the expanded list of permitted uses apply to all properties being recommended for rezoning to the Highway Commercial zone.

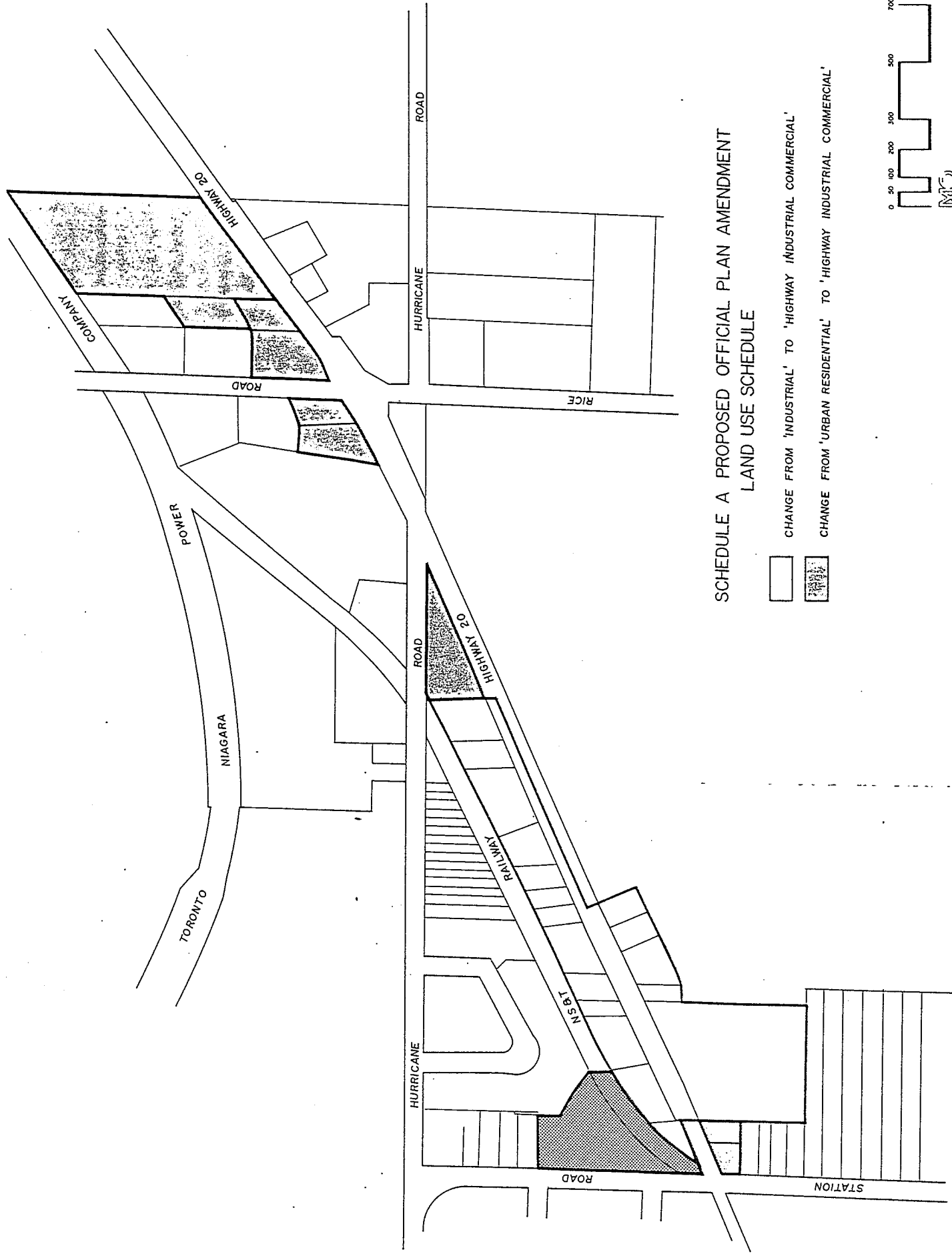
- 2) The regulations proposed in the new Highway Commercial zone addresses a number of concerns with respect to maximizing the developable area of a lot given existing limited lot sizes. Minimum side yard requirements and rear yard requirements, and landscaping requirements, have been incorporated to maximize the developable area on a lot without imposing on adjacent residential uses.
- 3) The introduction of "warehouse sales outlet" as a permitted use raised some concern with respect to the type of merchandise or scale of such a facility. The definition proposed permits warehousing retail outlets suitable to the highway commercial context of this area, namely those associated with furniture, appliances, carpets and flooring, decorating supplies (paint and wallpaper) and similar merchandise associated with home furnishings, home renovations and home improvements. It is not intended to recognize merchandising operations associated with food or groceries, drugs, apparel, or other retail activities better suited to the commercial core area.
- 4) Water service along Highway 20 has presented a problem to development and redevelopment in the past due to pressure and capacity problems associated with the "dead-ending" of the water system. This problem is in the process of being corrected via a looping design. Until the "looping" is complete, a "Holding" provision should apply to all lands subject to the proposed Highway Commercial zoning. This vehicle allows the municipality to review development applications with respect to any negative impacts on water service in the area. Once the water looping is complete, the Holding provision can be removed allowing developments to proceed pursuant to the proposed Highway Commercial zone.

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Recommendations

1. Schedule A to the Official Plan be amended to recognize certain lands fronting on Highway 20 from Station Street to the easterly municipal boundary in a new land use designation, "Highway Industrial Commercial", as outlined on Schedule A attached hereto.
2. A new "Highway Industrial Commercial" land use policy be introduced, in the text of the official plan as section 1.23.A, outlined herein.
3. Existing policies under the Industrial Land Use Policy Section be modified in conjunction with the new "Highway Industrial Commercial" designation proposed in 2 above.
4. Pursuant to Schedule B attached hereto, Schedules A and A5 of Zoning By-law 1136 be amended to rezone lands to the proposed "Highway Commercial (Holding) HC(H) zone.
5. A new Highway Commercial zone be introduced into By-law 1136 as section 20.A, outlined herein.
6. A new definition for "warehouse sales outlet" be added to the Definitions section of By-law 1136, as detailed herein.
7. The minimum parking requirement for retail stores (as defined) in By-law 1136 be revised as detailed herein.
8. Staff be directed to prepare the necessary official plan amendment and zoning by-law amendment to be forwarded to Council for approval.

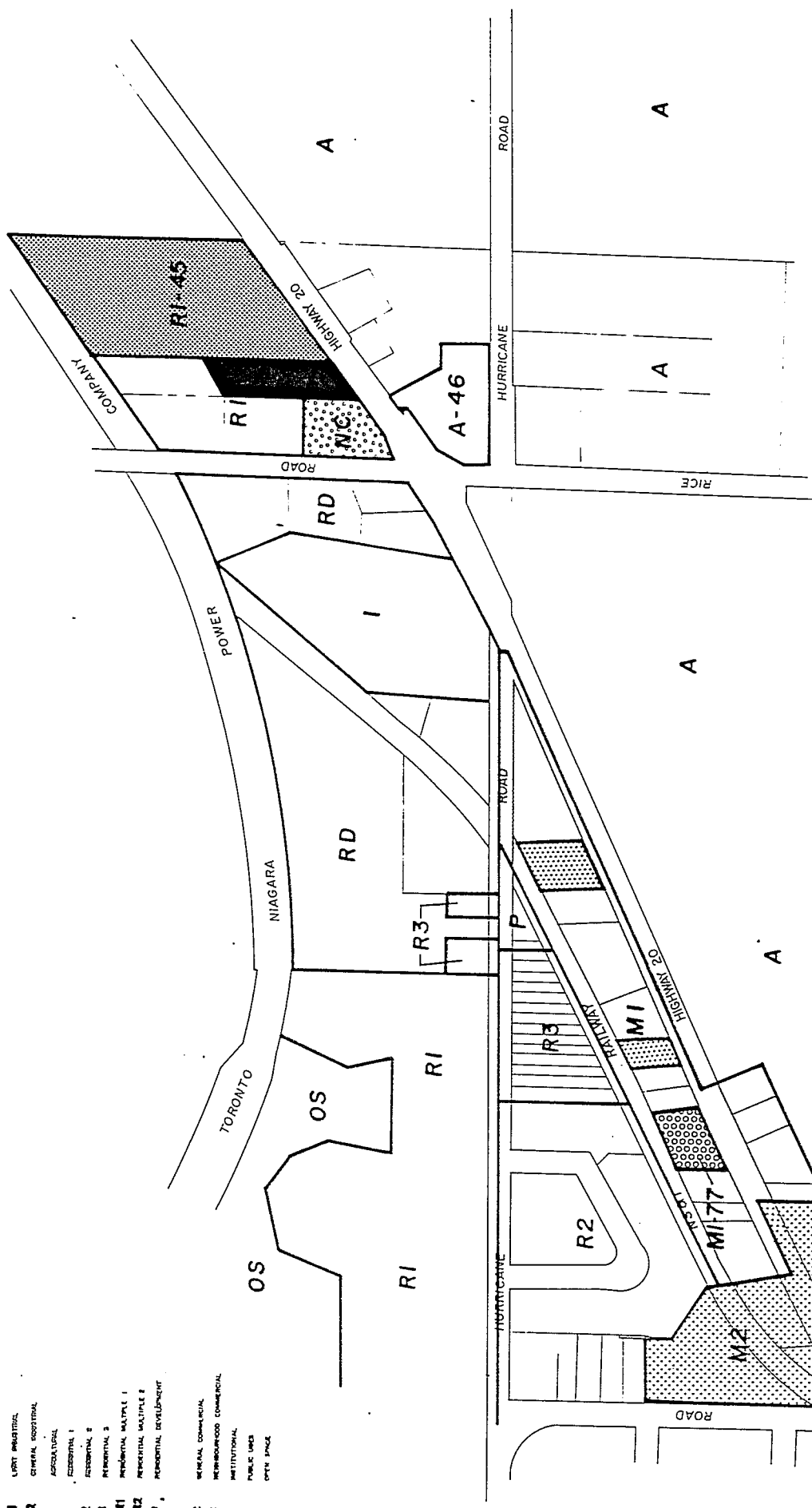
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SCHEDULE A PROPOSED OFFICIAL PLAN AMENDMENT
LAND USE SCHEDULE

- CHANGE FROM 'INDUSTRIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'
- CHANGE FROM 'URBAN RESIDENTIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'

- M1 LIGHT INDUSTRIAL
- M2 GENERAL INDUSTRIAL
- A AGRICULTURAL
- R1 RESIDENTIAL 1
- R2 RESIDENTIAL 2
- R3 RESIDENTIAL 3
- RM1 RESIDENTIAL MULTIPLE 1
- RM2 RESIDENTIAL MULTIPLE 2
- RD RESIDENTIAL DEVELOPMENT
- PC GENERAL COMMERCIAL
- HC HIGHWAY COMMERCIAL
- SI INSTITUTIONAL
- LP PUBLIC USES
- OS OPEN SPACE



SCHEDULE B PROPOSED ZONING

- FROM HOLDING LIGHT INDUSTRIAL (M1) TO HIGHWAY COMMERCIAL (HOLDING) HC (H)
- FROM RESIDENTIAL (R1) TO HIGHWAY COMMERCIAL (HOLDING) HC (H)
- FROM M1-77 TO HIGHWAY COMMERCIAL (HOLDING) HC (H)
- FROM GENERAL INDUSTRIAL (M2) TO HIGHWAY COMMERCIAL (HOLDING) EXCEPTION HC (H)
- FROM LIGHT INDUSTRIAL (M1) TO HIGHWAY COMMERCIAL (HOLDING) HC (H)
- FROM R1-45 TO HIGHWAY COMMERCIAL (HOLDING) HC (H)
- FROM NEIGHBOURHOOD COMMERCIAL (NC) TO HIGHWAY COMMERCIAL (HOLDING) HC (H)

APPENDIX A

- (i) Highway 20 Commercial Review, June 28, 1989
- (ii) Planning Report re: Highway 20 Commercial review
September 13, 1988
- (iii) Planning Report re: Highway 20 Commercial Review
November 15, 1988

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HIGHWAY 20
COMMERCIAL REVIEW

June 28/88

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1.0 INTRODUCTION

Highway 20, stretching from the municipal boundary on the east (Stallwoods) through to Station Street on the west (see Schedule A), has been the subject of considerable debate recently. A number of commercial development proposals have surfaced in recent years for uses other than those intended by the official plan. Recent development interest and activity has prompted a review of land uses along this corridor and the planning policies affecting this area. In light of the growth experienced by the Town of Pelham, particularly within the urban area of Fonthill, the Highway 20 corridor is being reviewed with respect to the suitability of a wider variety of permitted commercial uses.

2.0 EXISTING LAND USES

The existing land uses along this corridor indicate the area is in a state of transition. Land uses include a combination of industrial, commercial, institutional and residential uses as identified on Schedule A, Existing Land Uses. Fonthill Lumber and Fonthill Concrete are the only true industrial uses in the area. Compatible commercial uses include a number of restaurants, Star Tile, Olympic Plumbing and Heating, a gas station and contractor's office. A number of commercial establishments, somewhat less directly related to the industrial component of the corridor include the Landco development currently under construction, the Oldewood Inn site, and the neighbourhood commercial development approved at the corner of Rice Road and Highway 20.

Institutional uses include the Legion and Lions Club properties.

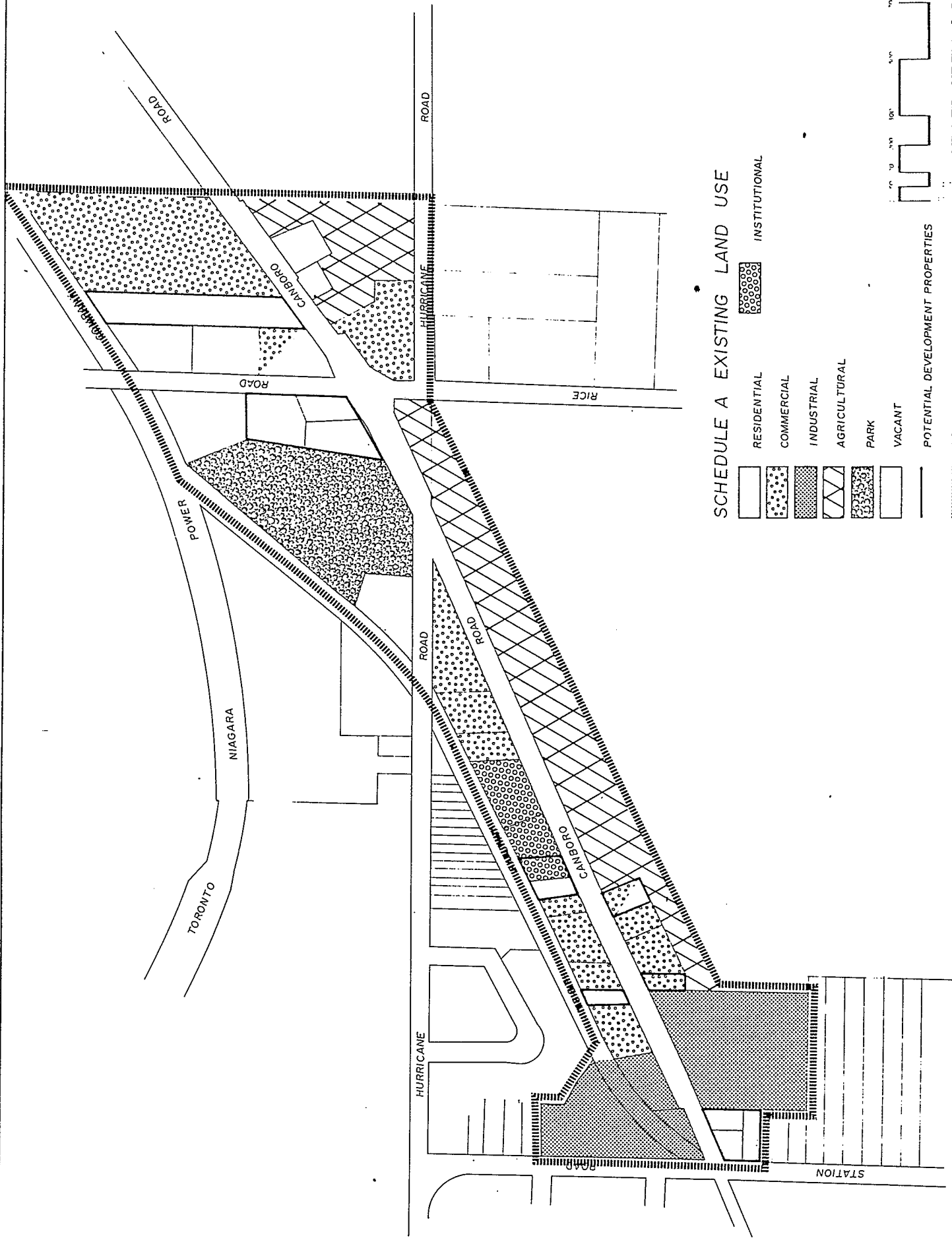
Residential uses along Highway 20 are interspersed with commercial uses and are quickly giving way to commercial development proposals. Residential land uses along this corridor are not a viable or desirable long term use for this corridor.

SUMMARY OF RECENT DEVELOPMENT PROPOSALS

The past few years have exhibited increasing development interest in lands along Highway 20 east of Station Street. Vacant parcels as well as redevelopment activity on already developed lands is evidenced by the following proposals:

<u>Location</u>	<u>Application</u>	<u>Status</u>
1. Southeast corner of Station St. and Hwy 20 (Gorge Holdings)	Official plan amendment and zoning By-law amendment to permit <u>a variety of commercial uses</u>	Application withdrawn
2. Northeast corner of Rice Road & Hwy. 20 (Connally)	Site plan approval to permit <u>neighbourhood commercial and residential uses</u>	Site plan approval granted
3. Northeast corner of Rice Road & Hwy. 20 (Young)	Zoning by-law amendment to permit <u>a gas bar & convenience store</u>	Application currently under review by owner
4. North side of Hwy. 20 east of Station St. (Landco)	Site plan approval to permit <u>commercial uses</u>	Site plan approval granted
5. Southeast corner of Rice Road & Hwy. 20 (Oldewood Inn)	Site plan approval to permit <u>a variety of commercial uses</u>	Site plan approval granted
6. Ultra Mar Gas Station	Zoning by-law amendment to permit an <u>automatic car wash</u>	Applicant providing additional details
7. Lot west of the Legion (Kaiser)	Zoning by-law amendment to permit <u>a coin car wash</u>	Application under review

In addition, a number of concerns regarding the development policies along this corridor have been expressed as objections to Zoning By-law 1136 currently before the Ontario Municipal Board for approval. Parties objecting to the restricted commercial opportunities of the current official plan and zoning by-law include a number of existing property owners who have no specific development plans. However, they are concerned with the elimination of the opportunity to redevelop their



SCHEDULE A EXISTING LAND USE

- RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- AGRICULTURAL
- PARK
- VACANT
- POTENTIAL DEVELOPMENT PROPERTIES
- STUDY AREA
- INSTITUTIONAL

properties to commercial uses at some point in the future. Question has also been raised relative to the appropriateness of some of the zone regulations that govern development along the along the corridor.

4.0 POTENTIAL DEVELOPMENT/REDEVELOPMENT PROPERTIES

The study area includes a number of properties which are prime targets for development or redevelopment. Schedule A identifies these properties. Those properties within the urban area boundary generally include the last remnants of residential uses in the area. The agricultural lands outside of the urban area boundary south of Highway 20 are also candidate lands for development. However, because these lands are considered prime agricultural lands, and because of their location outside of the urban area boundary, they pose specific limitations in terms of development.

5.0 EXISTING PLANNING FRAMEWORK

5.1 Regional Official Plan

Schedule B attached outlines the location of the urban area boundary as established in the Regional Plan. The southeast corner of Station Street and Highway 20, along with the lands on the north side of Highway 20, all fall within the Urban Area. The remainder of the lands within the study area are designated "Good Tender Fruit Area" and devoted to agricultural pursuits.

Schedule B also identifies Deferral Area 3 (Fonthill Concrete, Hinan Contractors, Kentucky Fried Chicken, Country Kitchen, Mori Nurseries) which has been the subject of an on-going discussion with the Region. It was originally designated "Industrial" in the Official Plan, but was never approved by the Province since it was located outside of the urban area boundary. The Region has agreed that the urban area boundary be amended to include these lands (Regional Official Plan Amendment #16); however, its approval is being held up due to an objection by PALS. This issue is currently being negotiated with the Region, Ministry of Municipal Affairs and PALS.

5.2 Town of Pelham Official Plan

Schedule B outlines the land use designations within the study area as identified in the Town's Official Plan.

The lands outside of the urban area boundary are designated "Unique Agriculture" which permits only "small scale commercial and industrial uses which are directly related to and serve the agricultural community" and only "if it is not possible to locate in designated hamlets in rural areas." Accordingly, development of these lands is extremely limited and would be in conjunction with adjacent agricultural uses rather than a use focusing on the urban area.

The "Industrial" designation in the study area, located within the urban area boundary, permits a broad range of uses including manufacturing, warehousing, and service industrial operations. Ancillary commercial uses such as banks, restaurants, garages, etc. are permitted provided they are limited in number so that they do not interfere with the industrial component considered to be of primary importance in this vicinity.

The east end of this corridor is largely designated "Urban Residential". This designation permits various types of residential uses as well as neighbourhood commercial uses devoted to serving the immediate residential neighbourhood only.

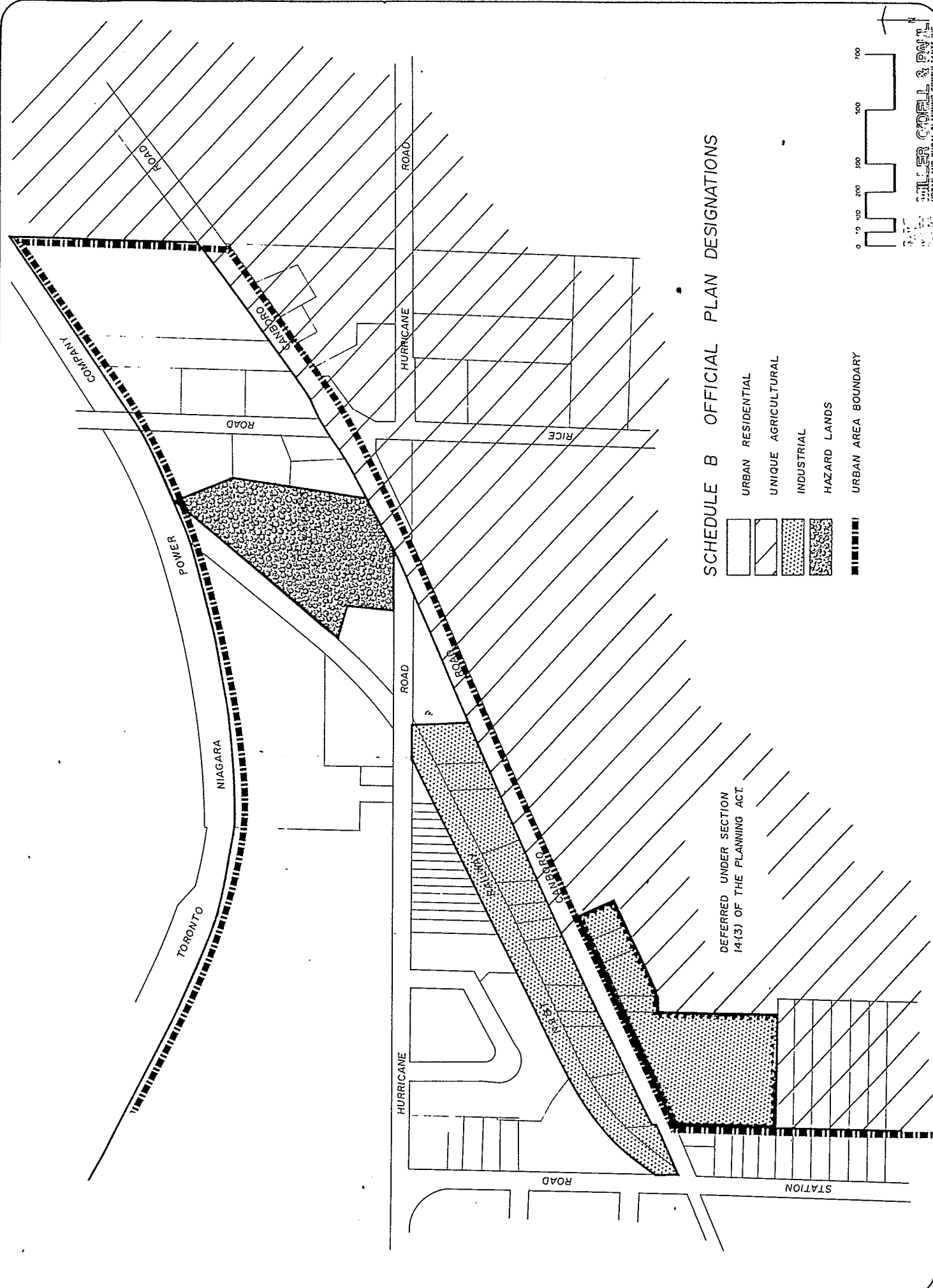
The "Hazard Land" designation applies to the Lions Club property and severely restricts development due to inherent environmental hazards, particularly flooding.

5.3 Town of Pelham Zoning By-law

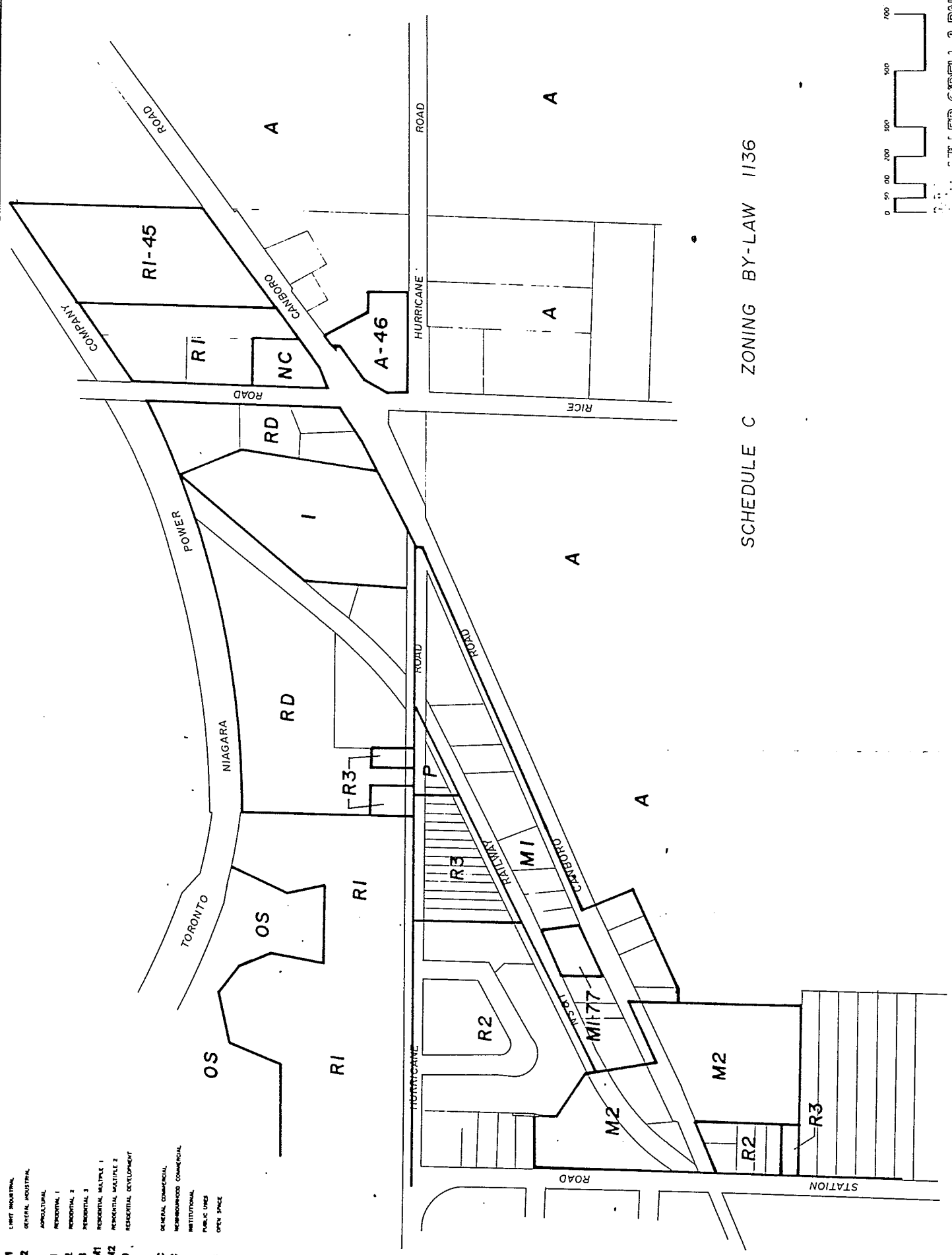
By-law 1136, currently before the Ontario Municipal Board for approval, zones the majority of the lands in the study area in industrial zoning categories, as noted on Schedule C.

The M1 zone permits various light industrial uses as well as a number of commercial uses considered to be ancillary to the industrial uses (banks, restaurants, vehicle sales, convenience retail stores, etc.) The M1 zone is not intended to permit major commercial uses which would compete with established commercial uses in the village core.

The M2 zone (Fonthill Lumber and Fonthill Concrete) is a strict industrial zone permitting no commercial uses except for gas stations and construction trades establishments.



- M1** LIGHT INDUSTRIAL
M2 GENERAL INDUSTRIAL
A AGRICULTURAL
R1 RESIDENTIAL 1
R2 RESIDENTIAL 2
R3 RESIDENTIAL 3
RM1 RESIDENTIAL MULTIPLE 1
RM2 RESIDENTIAL MULTIPLE 2
RD RESIDENTIAL DEVELOPMENT
GC GENERAL COMMERCIAL
NC NEIGHBOURHOOD COMMERCIAL
I INSTITUTIONAL
P PUBLIC USES
OS OPEN SPACE



SCHEDULE C ZONING BY-LAW 1136

A number of zones recognize unique circumstances or existing uses. These are as follows:

- i) M1-77 (Landco Property) - zoned as an exception to permit a wider variety of commercial uses not normally permitted in the M1 zone.
- ii) R1-45 (Stallwoods) - zoned to permit light manufacturing and a limited range of commercial uses not permitted in the R1 zone.
- iii) A-46 (Oldewood Inn) - zoned to permit a broad range of commercial uses not permitted in the A zone.

The Lions Club lands are recognized as a private club under the "Institutional" zone.

Lands at the northwest corner of Rice Road and Highway 20 are zoned "Residential Development" to recognize the established residential uses. Similarly, smaller established residential lots at Station Street and Highway 20 are zoned R1.

Lands at the northeast corner of Rice Road and Highway 20 are zoned "Neighbourhood Commercial" while lands to the immediately east are zoned R1 permitting residential uses.

The "Agricultural" zone applies to those lands south of Highway 20 and east of the A-46 exception zone. This zone recognizes the existing agricultural and residential uses.

5.4 Former Town of Pelham Zoning By-law 279

Much of the concern associated with the Highway 20 corridor stems from the previous zoning by-law. Lands zoned Light Industrial M1 in the current by-law were previously zoned Commercial General (CG). The CG zone permitted a broader range of uses including retail stores.

At the time By-law 279 was prepared (early 70's), the urban areas of Pelham had not been subject to the tremendous growth rates experienced in recent years. Accordingly, the municipality could afford to be somewhat flexible without threatening the overall land use pattern of the municipality. By-law 279 is now twelve years old and not reflective of up-to-date planning principals, nor reflective of the amount of growth which has occurred since it was approved in 1976. To permit unlimited retail uses

along Highway 20, permitted to a large extent by By-law 279, would seriously threaten the commercial land use pattern within the Town and almost certainly be to the detriment of the commercial core of Fonthill. The repeal of By-law 279 and the subsequent loss of retail uses as a permitted use along much of Highway 20, has been perceived as detrimental by some affected property owners. However, benefits to the Town as a whole are accrued by limiting retail activity along Highway 20 and maintaining the Fonthill commercial core as a viable, healthy commercial entity.

6.0 PLANNING ISSUES

6.1 Highway Industrial - Commercial Corridor

The "Industrial" designation of lands along Highway 20 was originally intended to recognize established industrial uses and encourage "additional industrial development" as well as ancillary commercial uses. Ancillary commercial uses have developed to the extent that the true industrial uses are now secondary to commercial uses. Within the existing Urban Residential designation to the east end of the study area, commercial uses are developing or being proposed as opposed to residential uses.

The recognition of commercial uses as exceptions in the zoning by-law provide further evidence of Highway 20 developing as a commercial corridor despite its Industrial and Urban Residential designations and zoning.

With the role of Highway 20 as the main entrance to Fonthill and as a regional artery, it is not surprising that land uses have developed to capitalize on that role. Industrial development along this corridor is severely hampered by limited lot sizes and the close proximity of residential development. Residential development has proven to be unrealistic for lands fronting on Highway 20, particularly when commercial uses predominate.

It is suggested that the Highway 20 corridor be recognized as a highway industrial-commercial corridor with an expanded range of permitted commercial uses compatible with a highway location.

6.2 Impact on Commercial Core of Fonthill

The expansion of permitted commercial uses along Highway 20 must be reviewed in light of the impact on the commercial core of Fonthill. Major commercial uses primarily retail in nature are still intended for the commercial core. Uses catering to vehicular traffic, the travelling public and those with large space requirements are suitable to a highway location. Most retailing operations dealing in Department Store Type Merchandise (D.S.T.M.) or falling within the realm of comparative shopping are still preferable in the commercial core.

The types of uses suitable to a highway commercial location include:

(* indicates uses currently permitted in the M1 zone)

- * - automobile service stations
- * - building supply outlets within wholly enclosed buildings
- * - gas bars
 - nursery or garden centre
 - motels
 - hotels
- * - motor vehicle sales, service and rental establishments
- * - restaurants, including take-out, drive-in, eat-in restaurants and refreshment rooms
- * - public and private clubs
- * - service shops
- * - showroom
 - farm implement sales and service
 - car washing establishments
 - swimming pool sales and service
 - business and professional offices
 - medical offices or clinics
 - machinery and equipment sales, service and rental
 - boat and trailer sales
 - custom workshops making products for retail sale on the premises
 - funeral homes or undertaking establishments
 - plumbing, heating, electrical, air conditioning, radio and television sales, service and equipment dealers
 - places of entertainment or recreation
 - warehouse sales outlets for furniture, carpets, etc.

This expanded list of permitted uses allows a greater range of uses than the current zoning. This list does not, however, permit a wide range of retail uses which are intended to locate in the commercial core.

6.3 Loss of Industrial and Residential Land

The redirection of policies along this corridor will remove lands from the Town's Industrial and Residential designations in the Official Plan. However, it is felt that based upon this removal a significant effect on the industrial and residential inventories, as provided for in the Official Plan, will not be realized.

With respect to industrial development this corridor is somewhat hampered by the small lot sizes and the proximity of non-industrial land uses presenting a potential land use conflict. The attraction to industrial uses is severely threatened by these factors despite the industrial official plan designation and zoning.

With respect to residential development, the area is not ideally suited. The traffic along Highway 20 presents a negative impact to residential uses in terms of noise, dust etc. The prevalence of commercial and industrial uses along this corridor presents a potential land use conflict as well. Again, limited lot sizes restrict potential residential development, even at higher densities.

6.4 Impact on Adjacent Residential Uses

Adjacent residential uses exist at several points along this corridor. Station Street and Highway 20, lands to the north of the CNR rail line north of Highway 20, and the residential pocket of land along Rice Road north of Highway 20 are the prime candidates for potential impacts from further or intensified commercial development.

The southeast corner of Highway 20 and Station Street is not recommended for inclusion at this time as uncertainty exists as to what lands are to be included within the proposed highway industrial-commercial designation, the existing residences to the south of the corner properties are already affected by Fonthill Concrete which abuts those properties to the rear, and it is felt that these residential properties should only be considered when the easterly located lands (i.e. Fonthill Concrete) are being redeveloped.

With respect to the residential uses north of the CNR rail line, the status quo will generally be retained. The railway itself provides an extra separation distance and additional redevelopment along Highway 20 at this point will have no more of an impact than existing uses. In fact, redevelopment may actually improve any existing problem situations by the implementation of various buffer improvements through site plan control.

The residential pocket on Rice Road north of Highway 20 may be affected to some extent by future commercial uses on the north side of Highway 20, east and west of Rice Road. The northwest corner is ripe for development and should be developed to take advantage of a Highway 20 location. Site design elements should be incorporated, however, to minimize land use conflicts with adjacent residential uses.

The property to the west of Stallwoods also has developmental opportunities of a commercial nature along its frontage, however development to date has been hampered by lot configuration and the residential/industrial interface that exists to the east and west of the subject lands. By designating the lands fronting Highway 20 as highway industrial-commercial it is felt that this may provide an incentive to redevelopment opportunities with the easterly located lands. This site should be given careful consideration when development initiatives are presented.

The overall impact on adjacent residential uses is expected to be negligible. The introduction of a wider variety of commercial uses and the extension of the highway industrial-commercial designation to include lands previously designated Urban Residential really recognizes a land use pattern which has been emerging over the years.

6.5 Commercial Strip Development

The introduction of additional commercial uses along this corridor may foster negative connotations related to "strip plazas" and "strip development". Traffic congestion, numerous and unclear entrance and exit points, large expanses of parking lots, minimal landscaping, little consideration for pedestrian traffic, cluttered signage, etc., all contribute to a negative impression of highway commercial areas. This corridor plays an important role as a major entrance to the Town and should present a positive impression. Greater attention to site design elements will ensure redevelopment and new

development will present a positive image. Site design criteria should be included within the policies of the proposed Highway Industrial-Commercial designation.

6.6 Servicing

This corridor is supplied with full municipal services (water, sanitary, storm). Water service presents the biggest impediment to further development along this corridor. The existing water line dead ends at the municipal boundary presenting severe supply and pressure problems. The looping of this line with the existing line which dead ends on Hurricane Road just west of the intersection would remedy the problem. Recent development proposals have adapted to the situation in various ways; however, the original problem remains and will continue to plague development proposals in the future.

It is suggested a strategy be considered to implement the looping system with a cost sharing arrangement to affected landowners.

Of secondary importance is storm water runoff. The existing storm sewer was designed by the Ministry of Transportation to serve the roadway alone. Significant storm runoff from adjacent properties is prohibited from entering the storm system due to capacity limitations. Storm drainage mechanisms will have to be considered on a site-by-site basis given the variance in slope and site characteristics from property to property.

7.0 PLANNING POLICY RECOMMENDATIONS

7.1 Regional Official Plan

The Regional Plan policies are considered to be adequate as they relate to the future development and redevelopment of this corridor. Although non-developed lands on the south side of Highway 20 have development potential, their location outside of the urban area boundary and their designation in the Regional Plan as "Good Tender Fruit", presents significant obstacles to any development proposals.

Development of land outside of the urban area boundary (excluding those lands embraced by Regional Official Plan Amendment #16) is considered premature in the absence of any demonstrated need for significant amounts of additional commercial or industrial space. The expansion

of the urban area boundary is an issue beyond the scope of this review and should be entertained within a more comprehensive review of the urban area boundaries for the entire municipality.

Accordingly, no changes to the Regional Plan relating to urban area boundaries are recommended at this point in time.

7.2 Pelham Official Plan

Despite the "Industrial" designation of the corridor, the area has developed primarily for commercial uses either directly or indirectly related to the existing industries. Commercial uses are not necessarily "ancillary" as the official plan policies suggest, but have become the primary use of land. The prevalence of commercial uses has threatened the future role of this area for primarily industrial use as intended by the official plan.

Notwithstanding the fact that the corridor has not developed entirely in keeping with the industrial focus of the official plan, the corridor has developed in a manner which does serve the needs of the community from a commercial standpoint. A shift to a highway industrial-commercial orientation would recognize the existing industrial uses as well as provide a broader range of permitted commercial uses than currently available. It is recommended the policies of the official plan be amended to:

1. redesignate those lands identified on Schedule D attached from "Urban Residential" and "Industrial" to a new designation entitled "Highway Industrial-Commercial".
2. Introduce a new section 1.23A "Highway Industrial-Commercial" following Section 1.23.A as follows:

"1.23.A - Highway-Industrial-Commercial

The lands designated Highway Industrial-Commercial focus on the Highway 20 corridor from Station Street through to the eastern municipal boundary. Industrial and commercial uses within this designation shall focus on the role of Highway 20 as a major transportation corridor through the Town and as an entrance to the urban area of Fonthill.

- 1.23.A.1 Commercial uses permitted within the designation include restaurants, gas stations, car wash establishments, car dealerships, hotels, motels, building supply outlets, construction trades suppliers, nursery or garden centres, farm produce market, and similar uses catering to the travelling public and vehicular traffic.
- 1.23.A.2 Ancillary commercial uses permitted include banks, professional and business offices and a limited amount of retail uses. These ancillary commercial uses shall:
 - i) not threaten the viability of the commercial core in Fonthill , and a market study may be required to provide evidence to that effect;
 - ii) not detract from the primary permitted uses focusing on vehicular traffic and the travelling public;
 - iii) not threaten the overall character of the area or absorb so much land that the character of the area would be threatened or altered significantly.
 - iv) be permitted only by amendment to the zoning by-law.
- 1.23.A.3 A shopping centre shall not be permitted in this designation.
- 1.23.A.4 Industrial uses permitted within this designation include light manufacturing, warehousing and industrial servicing and supply operations providing they are compatible with the commercial character of the area, and providing:
 - i) all storage is enclosed.
 - ii) no detrimental effects result from noise, dust, fumes, vibration, etc.
 - iii) the building and site be designed attractively to reflect the prestige location at the entrance to the Fonthill urban area.

- iv) adequate buffering measures be incorporated to screen the use from abutting residential uses.

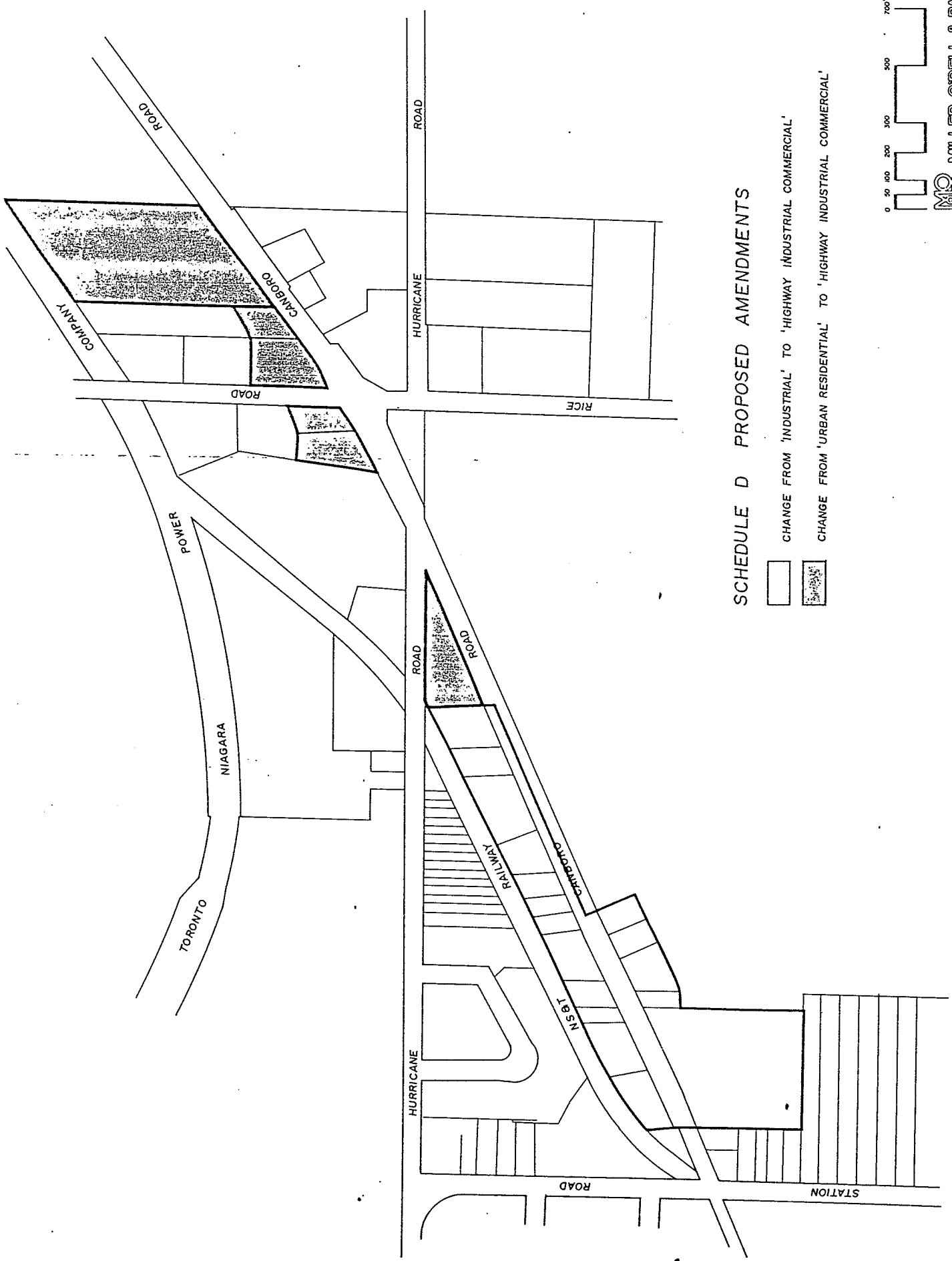
Notwithstanding the permitted uses of this section, the existing concrete products operation (Fonthill Concrete) and the existing lumber yard (Fonthill Lumber) shall be permitted.

- 1.23.A.5 The following design criteria be addressed in the review of development and redevelopment applications along this corridor:

- i) Joint or consolidated access points be implemented wherever possible to minimize entrance points and traffic congestion.
- ii) The public road right-of-way be clearly delineated as a separate entity via landscaping, fencing, or similar measures to provide clear definition of the street.
- iii) Linked parking areas from one property to the next be encouraged to reduce the number of turns onto and off of Highway 20.
- iv) Landscaping amenities be required and implemented to provide an attractive entrance to the urban area of Fonthill."

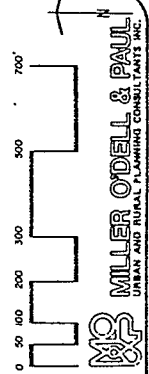
- 3. The "Industrial" policies in the plan following subsection 1.23.2 be amended by:

- a) deleting the words "Two industrial areas are" and substituting thereof "One industrial are is" in the first sentence.
- b) deleting the words "located east of Station Street on Highway 20 and consists of an existing industrial and related commercial facilities on full municipal services" in the second sentence and having the balance of the second sentence and the third sentence form as one sentence.
- c) deleting the words "commercial and" in the first line and "banks, restaurants" in the second and third line of policy 1.25.1.



SCHEDULE D PROPOSED AMENDMENTS

- CHANGE FROM 'INDUSTRIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'
- CHANGE FROM 'URBAN RESIDENTIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'



M&P MILLER ODELL & PAUL
URBAN AND RURAL PLANNING CONSULTANTS INC.

The key elements of the proposed official plan amendment are:

- i) recognizes the Highway 20 corridor as a commercial entity as opposed to an industrial corridor;
- ii) provides a broader range of highway commercial and light industrial uses;
- iii) prohibits shopping centre developments;
- iv) permits a limited amount of office and retail commercial uses but affords the municipality the opportunity to closely examine such development proposals by requiring a rezoning to permit such development proposals;
- v) requires site design elements be given special consideration to minimize traffic congestion and maximize the aesthetic qualities of the area as an entrance to Fonthill.

7.3 Pelham Zoning By-law 1136

In recognition of the changing role of the Highway 20 corridor, and subject to the resolution of the water supply issue, the zoning by-law is recommended for amendment as follows:

- 1(a) Schedule A of the zoning by-law be amended by rezoning those lands identified on Schedule E attached from:
 - R1-45 to Highway Commercial (HC).
 - R1 to Highway Commercial (Holding) HC(H)
 - NC to Highway Commercial - 79 HC-79
- 1(b) Schedule A5 of the zoning by-law be amended by rezoning those lands identified on Schedule E attached from:
 - Light Industrial (M1) to Highway Commercial (HC).
 - Residential Development (RD) to Highway Commercial (Holding) HC(H)
 - M1-77 to Highway Commercial - 77 HC 77
- 2. A new Section 20-A Highway Commercial Zone be introduced into the by-law following Section 20 as follows:

"Section 20 A - Highway Commercial Zone

Subject to the general provisions of Section 6 and all other applicable requirements of this by-law, the provisions of this section shall apply throughout the Highway Commercial Zone.

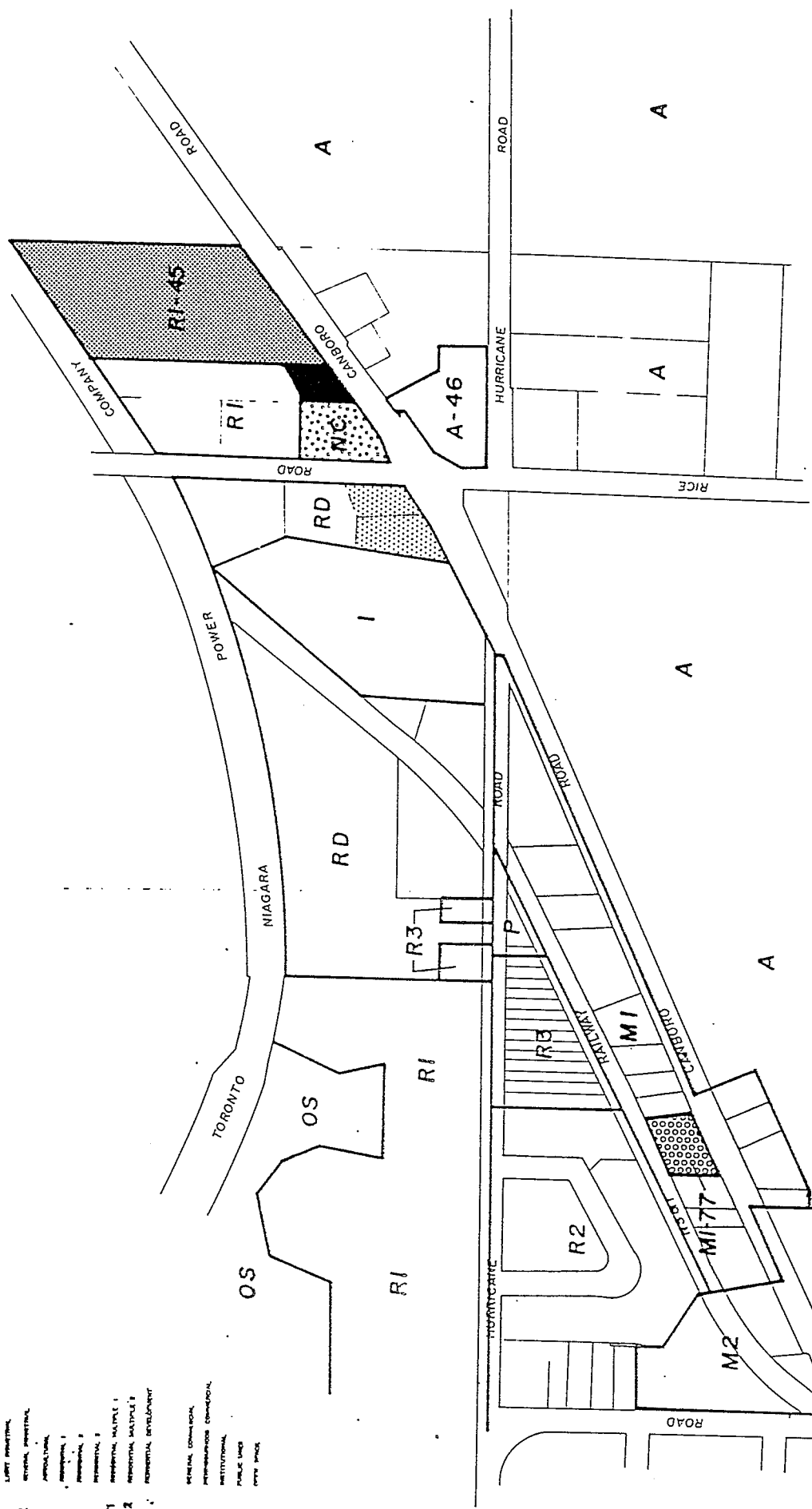
20.A.1 Permitted Uses

- a) automobile service stations; motor fuel retail outlets; car washes (automatic or coin operated); vehicle repair shops; motor vehicle sales, service and rental establishments; farm implement sales and service; service shops; restaurants including take-out, drive-in, eat-in restaurants and refreshment rooms; places of entertainment and recreation; public and private clubs; hotels, motels; custom workshops; showrooms; warehouses without outdoor storage; building supply outlets within wholly enclosed buildings; nursery or garden centre; swimming pool sales and service; machinery and equipment sales, service and rental; boat, trailer and recreational vehicle sales, service and rental; funeral homes and undertaking establishment; plumbing, heating, electrical, air conditioning, radio and television sales, service and rental; warehouse sales outlets.
- b) uses, buildings and structures accessory to the foregoing permitted uses.

20.A.2 Regulations for Permitted Uses

- a) Minimum Lot Frontage 30m (100 feet)
- b) Minimum Lot Area 1400m² (15,000 sq.ft.)
- c) Maximum Lot Coverage 60 Percent
- d) Minimum Front Yard and Minimum Exterior Side Yard 18m (60 feet)
- e) Minimum Side Yard 6.0m except where adjacent to a residential zone the minimum side yard shall be 9.0m.

- M1 LIGHT INDUSTRIAL
- M2 HEAVY INDUSTRIAL
- A AGRICULTURAL
- R1 RESIDENTIAL SINGLE DETACHED
- R2 RESIDENTIAL TWO-UNIT
- R3 RESIDENTIAL THREE-UNIT
- RM1 RESIDENTIAL MEDIUM DENSITY
- RM2 RESIDENTIAL MEDIUM DENSITY
- RD RESIDENTIAL DEVELOPMENT
- OC OFFICE COMMERCIAL
- HC HIGHWAY COMMERCIAL
- I INSTITUTIONAL
- P PUBLIC USES
- OS OPEN SPACE



SCHEDULE E PROPOSED ZONING

- FROM LIGHT INDUSTRIAL (M1) TO HIGHWAY COMMERCIAL (HC)
- FROM RI-45 TO HIGHWAY COMMERCIAL (HC)
- FROM NEIGHBOURHOOD COMMERCIAL (NC) TO HC-79

- FROM RESIDENTIAL DEVELOPMENT (RD) TO HIGHWAY COMMERCIAL (HC (H))
- FROM RESIDENTIAL (R1) TO HIGHWAY COMMERCIAL (HC (H))
- FROM M1-77 TO HIGHWAY COMMERCIAL (HC-77)

f) Minimum Rear Yard none except where adjacent to a residential zone the minimum rear yard shall be 9.0m.

g) Yards Adjacent to a Railway

Notwithstanding sections e) and f) herein, no minimum side yard or rear yard shall be required adjacent to a railway.

h) Landscaping

In addition to the provisions of section 6.17, a planting strip shall be required along the front lot line, exterior side lot line and rear lot line where it abuts a street.

i) Exterior Lighting

In addition to the provisions of section 6.16 e), exterior lighting and illuminated signage shall be directed away from any adjacent residential zone.

j) Loading Spaces

In addition to the provisions of section 6.9, no loading space shall be permitted in a yard adjacent to a residential zone.

The key elements of the proposed zoning are:

- i) permits a broader range of commercial uses suited to a highway location;
- ii) requires upgraded landscaping requirements in an effort to present an aesthetically pleasing entrance to Fonthill;
- iii) limits retail activity so as not to threaten the the viability of the commercial core;
- iv) provides regulations suited to the existing lot sizes.

8.0 FUTURE CONSIDERATION

As previously referenced, the lands outside of the urban area boundary on the south side of Highway 20 are candidate lands for development. If and when the urban area boundary is altered to include these lands within the urban area, consideration will have to

be given to the types of uses appropriate for these lands. An extension of the Highway Industrial-Commercial designation would appear to be appropriate in an effort to consolidate uses suited to a highway location. The designation might only extend 150 - 200 feet in depth so that agricultural activities could continue on the back lands while commercial or light industrial uses could maximize the benefits of frontage on Highway 20. This issue will be addressed in detail as part of the upcoming urban area boundary review.

September 13, 1988

Memorandum to: Chairman D. Hubbard
Mayor E. G. Bergenstein
Members of the Planning and Development
Committee

From: Judy Pihach
Consulting Planner
Miller O'Dell & Paul

Re: Highway 20 Commercial Review

As a result of preliminary discussions with the committee, June 28, 1988, the following revisions are suggested for inclusion in the report.

i) Schedule D, Proposed Official Plan Amendment

The southeast corner of Station Street and Highway 20 has been subject to development interests. Rather than omit the lands until a development application has been submitted, it is recommended the lands be included as a Highway Industrial-Commercial designation as part of this study (see Schedule D attached).

ii) Proposed Official Plan Policy regarding Shopping Centres, Section 1.23. A. 3, page 12

The intent of this section is to prohibit large scale commercial centres which would threaten the town centre. The Zoning By-law defines a shopping centre as any commercial complex housing two or more commercial uses, regardless of size. In order to permit small scale commercial complexes, the following modification is suggested:

"1.23.A.3 A shopping centre, greater than 930 sq.m. (10,000 sq.ft.), shall not be permitted in this designation."

iii) Proposed Zoning Regulations Regarding lands Adjacent to a Railway, Section 20.A.2(g), page 16

Previous discussions raised the issue of deleting the exemption from a rear or side yard setback for properties abutting the railway north of Highway 20. The residential properties north of the railway are subject to an elevated topography. The introduction of a rear or side yard setback, in addition to the railway separation, is viewed as excessive since, in most cases, it would provide little or no buffering for the residential uses. The topography causes a clear view from the north of the railway to the rear of the buildings fronting on Highway 20.

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- 2 -

In addition, many of the lots fronting on Highway 20 are of limited size. The removal of the rear or side yard setback adjacent to the railway provides additional useable space. The addition of a rear or side yard setback would restrict development with little benefit to the residential uses north of the railway.

It is recommended the exemption from rear or side yard setbacks adjacent to the railway be retained as originally proposed in the report.

iv) Interior Side Yard Requirement, Section 20.A.2(e), page 15

The minimum side yard requirement of 6.0 m (20 feet), has been raised as excessive. Consideration for reducing this side yard requirement is warranted, given the limited lot sizes in the vicinity. Modifications to the side yard requirement are recommended as follows:

"s.20.A.2(e) Minimum Side Yard

- i) nil where the yard abuts a commercial zone and legal access is available to the rear yard by a private or public lane or easement
- ii) one side yard 4.0 metres, and the other side yard nil, where the yard abuts a commercial zone and no access to the rear yard is available except via the said side yard
- iii) 9.0 metres where the side yard is adjacent to a residential zone
- iv) 9.0 metres where the yard abuts a street
- (minimum exterior side yard)"

In addition, s.20.A.2(d) is modified by deleting reference to a minimum exterior side yard. That requirement is addressed in the revised side yard regulations.

Recommendation

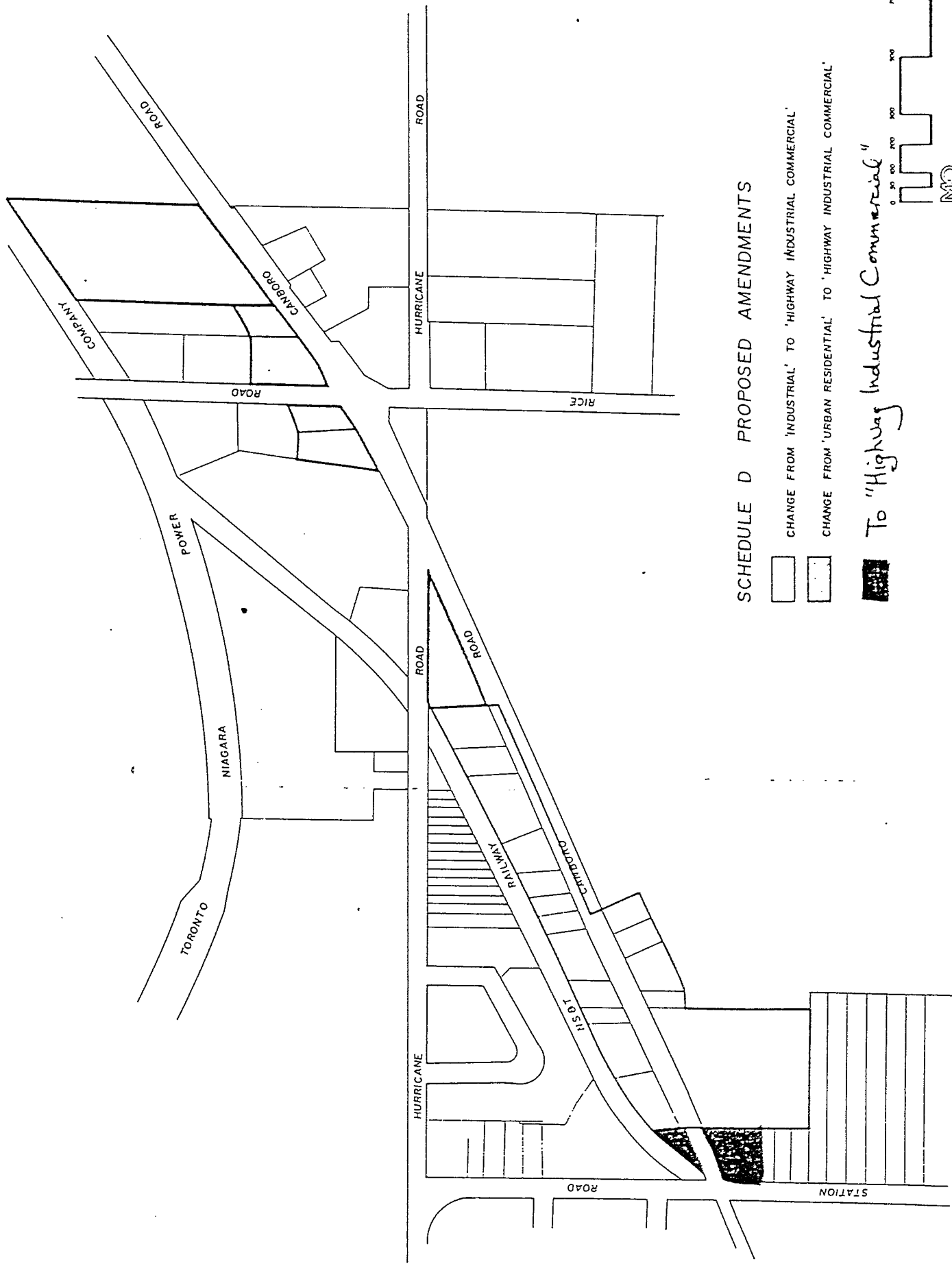
- 1) Staff be directed to schedule a public meeting pursuant to s. 22(21) and 34(12) of the Planning Act.
- 2) The Committee receive the above modifications to the proposed official plan policies and zoning regulations.

Respectfully submitted,



July Pihach
Consulting Planner

MILLER O'DELL & PAUL



SCHEDULE D PROPOSED AMENDMENTS

- CHANGE FROM 'INDUSTRIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'
- CHANGE FROM 'URBAN RESIDENTIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'
- To "Highway Industrial Commercial"

To "Highway Industrial Commercial"

November 15, 1988

Memo to: Chairman D. Hubbard
Members of Planning & Development Committee

From: Judy Pihach, Planning Consultant
Miller O'Dell & Paul

Re: Revisions to Highway 20 Commercial Review

Pursuant to comments and discussion from the previous meeting, September 13, 1988, the following revisions are recommended.

1. Kaiser Property

The narrow configuration of this lot severely restricts development opportunities within that portion of the lot currently proposed for inclusion in the "Highway Industrial-Commercial" designation (See Schedule D attached). In order to maximize the development potential of the site, it is suggested that additional lands be included in the proposed "Highway Industrial-Commercial" designation, as indicated on Schedule D. Accordingly, the lands should be included as part of the proposed Highway Commercial-Holding HC(H) zone as shown on Schedule E.

2. Screening Along Rear Lot Lines Abutting Railway

The proposed zoning for lands abutting the railway does not include a rear yard setback so that the limited lot sizes in this vicinity can be utilized to the greatest extent. The railway lands to a certain extent act as a separation buffer, however the need for additional screening is required for the benefit of residential uses north of the railway. Rather than include a rear yard setback requirement, a planting strip along the rear lot line would serve to screen commercial properties from residential properties while minimizing the absorption of usable land on commercial lots already severely restricted in size. A planting strip is defined as "an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following screening devices: i) a continuous row of trees; ii) a continuous hedgerow of evergreens or shrubs; iii) a berm; iv) a wall; or v) an opaque fence".

MILLER O'DELL & PAUL

Accordingly, it is recommended the proposed zoning provisions in Section 20.A.2 h) (Landscaping) be amended as follows:

Section 20.A.2 h)

Landscaping

In addition to the provisions of section 6.17 Planting Strips, a planting strip shall be required along the front lot line, exterior side lot line and rear lot line where it abuts a street, and shall be required along any lot line which abuts a railway.

(Note: The underlining indicates the addition.)

3. Definition of Warehouse Sales Outlet

"Warehouse sales outlet" is a permitted use in the proposed zoning. Clarification of this use is required in the definitions section of the by-laws as follows:

"Warehouse sales outlet (factory outlet, warehouse showroom) means a building or structure or part thereof where commodities are stored and offered for sale and shall include only the following: home furnishing and home improvement products, furniture, appliances, electrical fixtures, carpets and floor coverings, building supplies, plumbing supplies, draperies and decorating supplies such as paints and wallpaper."

This definition is consistent with the Highway Commercial context intended for Highway 20 and does not include retail warehousing associated with food supermarkets, pharmacies or drugs, apparel and accessories, and hardware. The exclusion of these types of retail warehouse sales outlet is to preserve the viability of the Town's commercial centre.

4. Parking Standards

The current parking standards in the Town's zoning by-law were reviewed as a result of the suggestion that current requirements were not adequate. The suggestion was made that one space per 200 square feet (18 square metres) should be applied for retail uses and one space per 4 seats seating capacity in restaurants be considered.

The current standards in By-law 1136 relevant to Highway 20 include:

Eating Establishments	-	1 parking space per 4 persons seating capacity
Shopping Centre (defined as any commercial retail complex greater than two units)	-	1 parking space per 17 square metres (183 square feet)
Retail Store (other than a furniture store, factory outlet, warehouse outlet)	-	1 parking space per 30 square metres (323 square feet) of net floor area
Furniture Store Factory Outlet, Warehouse Showroom	-	1 parking space per 100 square metre (1076 square feet) of net floor area
Industrial Establishment	-	1 parking space per 50 square metres of manufacturing floor area

In reviewing a variety of parking standards in various municipalities, the above standards do not appear to be out of line. It is worth noting that the current standards are fairly close to, if not the same as, the suggested standards relating to restaurants and commercial uses in shopping centres (as defined) locations.

The standard required for single retail operations is slightly lower than most municipalities and a more stringent standard is in order for those uses. A standard of 1 space per 25 square metres (269 square feet) is recommended for single retail stores.

5. Uses Not Permitted in the Proposed Highway Commercial Zone

Convenience Retail uses have been deleted as a permitted use in this area. Two existing zonings within the study area already permit convenience retail stores. The definition of

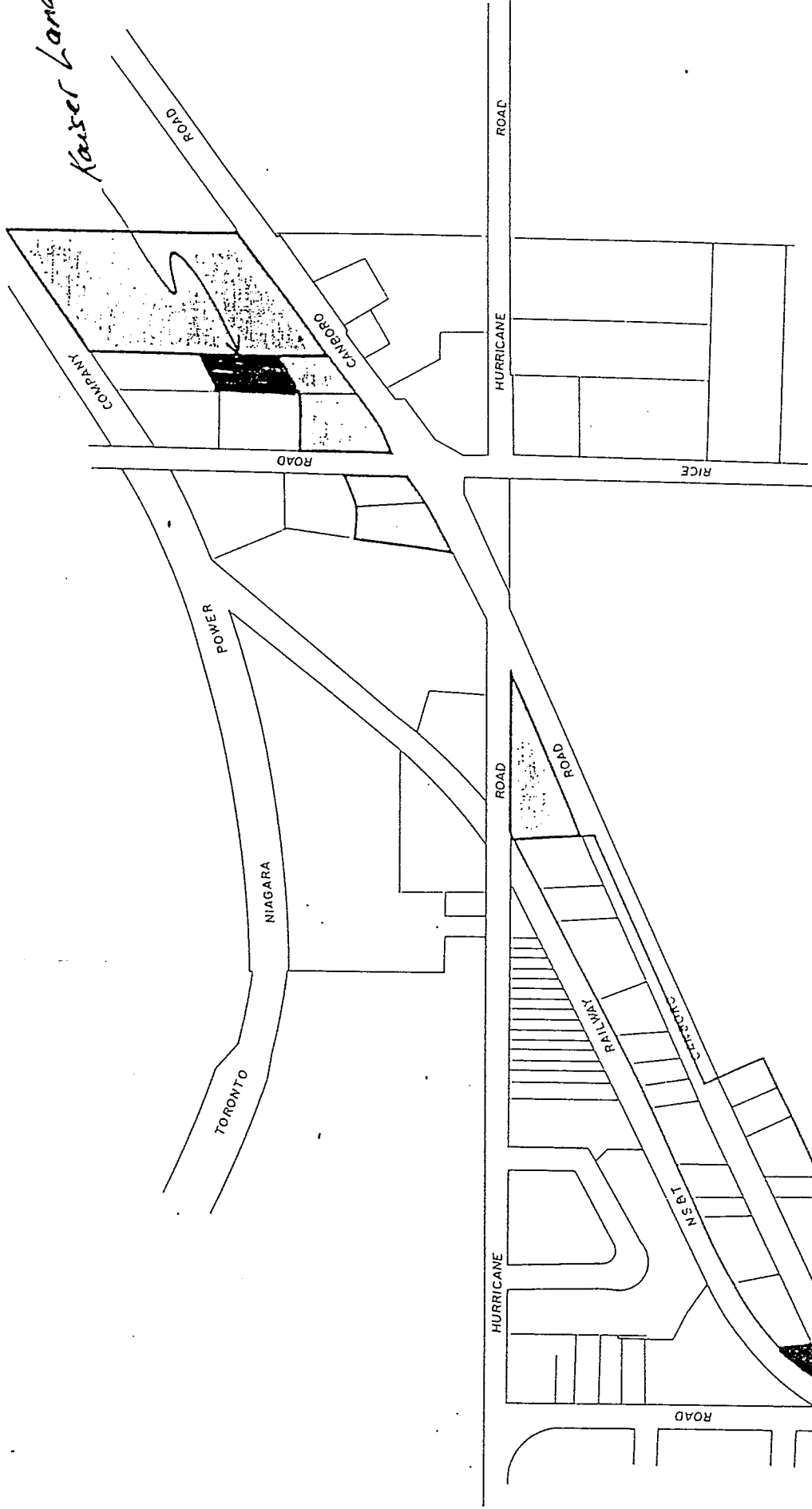
convenience retail includes a broad range of uses more suited to a Neighbourhood Commercial location where the "occasional need of the residents in the immediate area" can be readily met.

6. Additions to Proposed Highway Commercial Permitted Uses




The original list of permitted uses in the proposed Highway Commercial Zone inadvertently omitted vehicle autobody shops and dry cleaning plants. These uses are permitted in the current M1 zoning and should be retained in the proposed zoning. Vehicle autobody shops and dry cleaning plants should be added to the list of permitted uses in the proposed Highway Commercial zone.

Recommendations

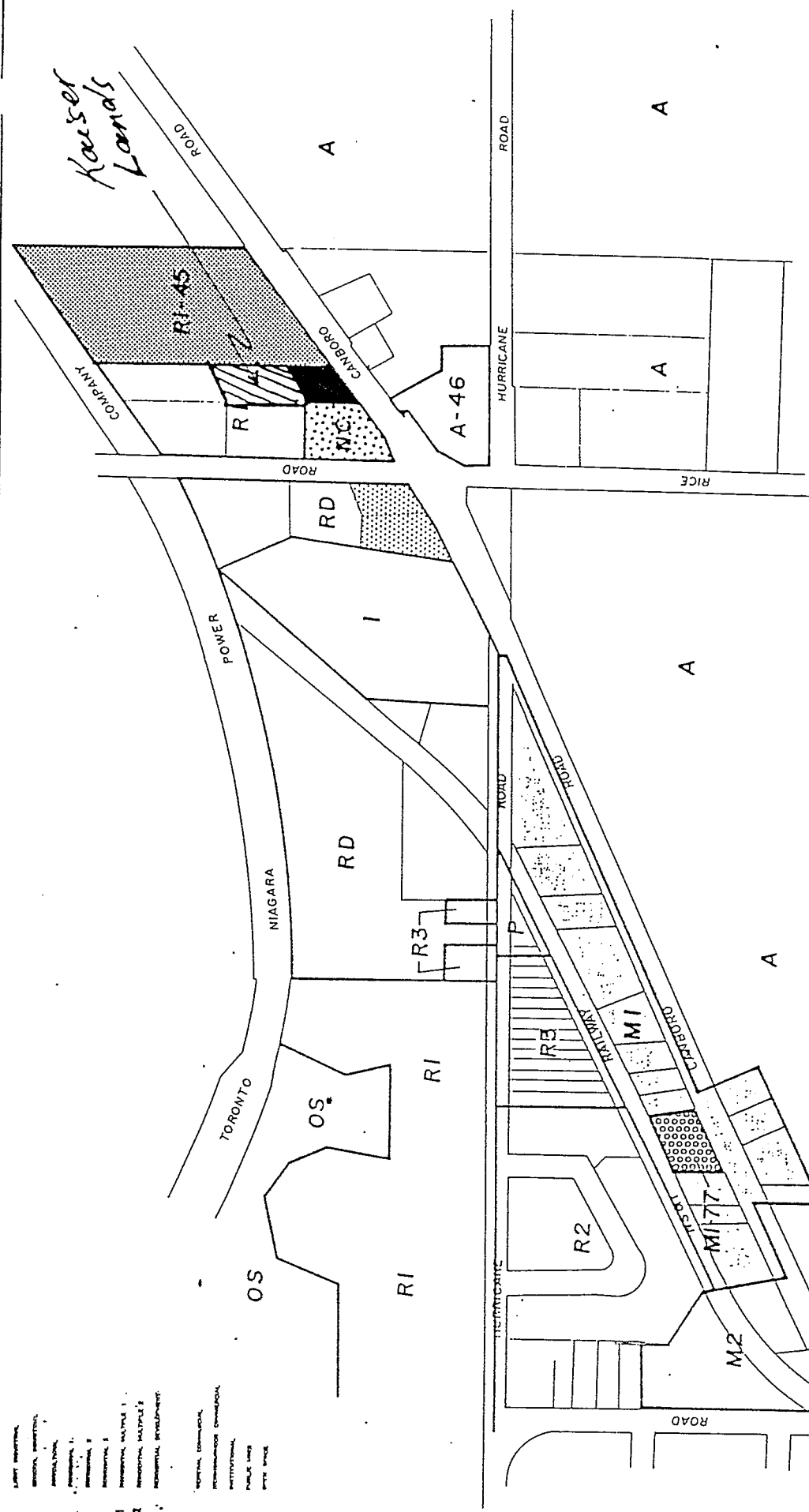
- 1) The Committee receive the recommendations detailed herein.
- 2) The Committee direct the required official plan and zoning amendments be drafted for adoption.



SCHEDULE D PROPOSED AMENDMENTS

-  CHANGE FROM 'INDUSTRIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'
-  CHANGE FROM 'URBAN RESIDENTIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'
-  *To 'Highway Industrial Commercial'*

- M1 LIGHT INDUSTRIAL
- R22 RESIDENTIAL, SUBURBAN
- A AGRICULTURAL
- R1 RESIDENTIAL, SINGLE DETACHED
- R2 RESIDENTIAL, TWO-FAMILY
- R3 RESIDENTIAL, THREE-FAMILY
- R41 RESIDENTIAL, MULTIPLE 1
- R42 RESIDENTIAL, MULTIPLE 2
- RD RESIDENTIAL DEVELOPMENT
- GC GENERAL COMMERCIAL
- HC HIGHWAY COMMERCIAL
- I INSTITUTIONAL
- P PUBLIC USE
- OS OPEN SPACE



SCHEDULE E PROPOSED ZONING

- FROM LIGHT INDUSTRIAL (M1) TO HIGHWAY COMMERCIAL (HC)
- FROM RI-45 TO HIGHWAY COMMERCIAL (HC)
- FROM NEIGHBOURHOOD COMMERCIAL (NC) TO HC-79
- To Highway Commercial Holding - HC(H)

- FROM RESIDENTIAL DEVELOPMENT (RD) TO HIGHWAY COMMERCIAL HC(H)
- FROM RESIDENTIAL (RI) TO HIGHWAY COMMERCIAL HC(H)
- FROM M1-77 TO HIGHWAY COMMERCIAL (HC-77)

Chairman B. Walker
Members of the Planning and Development Committee

Re: Highway 20 Commercial Review

In an effort to finalize this study and proceed with the relevant amendments to the official plan and zoning by-law, the following comments are offered:

1. Pursuant to discussion and direction by the Planning and Development Committee March 28, 1989, the proposed official plan amendment and zoning by-law amendment are revised to address the following:
 - a) the inclusion of business and professional offices as a permitted use within the proposed "Highway Commercial" zone;
 - b) the size restriction on shopping centres (defined as any commercial complex with two or more units) be increased from 10,000 square feet to 25,000 square feet. It was suggested the 10,000 square feet limit was overly restrictive, particularly for existing commercial operations intending to expand. It is suggested the size limit be increased to 25,000 square feet to allow expansion opportunity and new commercial uses without severely threatening the economic viability of the core area. Shopping centre proposals greater than 25,000 square feet would require an official plan amendment. To delete the size limitation altogether and rely totally on the zone provisions to dictate the developable area within a lot would allow significant shopping centre development on certain larger parcels within the Highway 20 corridor, without an official plan amendment.
2. As a point of clarification, the following properties should be included in the proposed "Highway Commercial (Holding) - HC(H)" zone:
 - a) three existing lots at the southeast corner of Highway 20 and Station Street, previously subject to a commercial development application which was withdrawn by the applicant;
 - b) the property at the north-west corner of Rice Road and Highway 20;
 - c) the lands immediately west of Stallwood's, east of Rice Road on the north side of Highway 20 (formerly the Kaiser property).

These properties are currently vacant or used for residential purposes, although they are prime candidates for redevelopment

to highway commercial or light industrial uses.

3. As a point for clarification, the following properties will be subject to a "Highway Commercial (Holding), Exception" zoning:
 - a) Fonthill Concrete and Fonthill Lumber will be zoned "Highway Commercial (Holding), Exception" to address the outside storage facilities on these sites. Outside storage is otherwise prohibited in the Highway Commercial (Holding) - HC(H) zone.
 - b) The commercial/residential development at the northeast corner of Rice Road and Highway 20, currently zoned "Neighbourhood Commercial", will be zoned "Highway Commercial (Holding), Exception" to recognize the second floor residential use. Residential uses are not permitted in the proposed "Highway Commercial (Holding) - HC(H)" zone.
4. The attached official plan amendment and zoning by-law amendment incorporate all revisions discussed to date on this issue.
5. Subject to the approval of these amendments by Council, the Minister of Municipal Affairs should be requested to approve the entire official plan amendment except for its application to the lands identified on Schedule A of the amendment as being subject to Amendment 16 to the Regional Policy Plan, currently before the Ontario Municipal Board. The minister should be requested to defer approval of the amendment only as it applies to those lands, until a decision by the Ontario Municipal Board has been issued.
6. With respect to the "Holding" provision in the proposed "Highway Commercial" zoning, it is suggested it be retained as part of this zoning amendment. Upon completion of the water looping system, the "Holding" provision can be removed by by-law without further public notice.
7. As a point of clarification, the official plan amendment makes minor revisions to the existing "Industrial Areas" policy to delete reference to Highway 20 as an industrial land use designation.

Recommendations

1. The attached official plan amendment be approved and forwarded to Council for approval.
2. The attached zoning by-law amendment be approved and forwarded to Council for approval.

3. Subject to Council approval, the Minister of Municipal Affairs be requested to i) approve the official plan amendment in its entirety save and except for the amendment as it applies to lands currently subject to Amendment 16 to the Regional Niagara Policy Plan and currently before the Ontario Municipal Board (identified on Schedule A to the amendment), and ii) defer approval of the amendment as it applies to those lands referred to in i) above, until such time as the Ontario Municipal Board has made a decision on Amendment 16 to the Regional Niagara Policy Plan.

Judy Pihach
Senior Planner
Miller O'Dell and Paul

AMENDMENT NO. 16

TO THE

OFFICIAL PLAN

OF THE

TOWN OF PELHAM

PART A - PREAMBLE

PURPOSE

The purpose of this amendment is to:

- i) introduce a new "Highway Industrial Commercial" land use designation in the Official Plan;
- ii) redesignate lands from the existing "Industrial" designation to the new "Highway Industrial Commercial" designation;
- iii) redesignate lands from the existing "Urban Residential" designation to the new "Highway Industrial Commercial" designation;
- iv) make minor revisions to the existing "Industrial" policies to accommodate the new "Highway Industrial Commercial" designation.

LOCATION

The lands subject to this amendment are within the Urban Area Boundary of Fonthill, and are located on the north and south side of Highway 20 between Station Street and the Pelham / Thorold municipal boundary, as outlined on Schedule A to this amendment.

BASIS

The basis of this amendment is to recognize the changing role of Highway 20 from that of an industrial focus, to that of a highway commercial orientation. The amendment introduces new land use policies under a new "Highway Industrial Commercial" designation. This new designation:

- i) recognizes the Highway 20 corridor as a commercial entity as opposed to an industrial corridor;
- ii) provides a broader range of highway commercial and light industrial uses;
- iii) prohibits shopping centre developments greater than 2,323 square metres (25,000 square feet);
- iv) permits a limited amount of retail commercial uses but affords the municipality the opportunity to closely examine such development proposals by requiring a rezoning to permit such development proposals;
- v) requires site design elements be given special consideration to minimize traffic congestion and maximize

the aesthetic qualities of the area as an entrance to
Fonthill.

PART B - THE AMENDMENT

1. Section 1, Land Use of the Official Plan for the Town of Pelham is hereby amended by the introduction of a new section, "1.23.A - Highway Industrial Commercial" following section 1.23.2 which reads as follows:

"1.23.A - Highway Industrial-Commercial

The lands designated Highway Industrial-Commercial focus on the Highway 20 corridor from Station Street through to the eastern municipal boundary. Industrial and commercial uses within this designation shall focus on the role of Highway 20 as a major transportation corridor through the Town and as an entrance to the urban area of Fonthill.

1.23.A.1 Commercial uses permitted within the designation include restaurants, business and professional offices, gas stations, car wash establishments, car dealerships, hotels, motels, building supply outlets, construction trades suppliers, nursery or garden centres, farm produce market, and similar uses catering to the travelling public and vehicular traffic providing:

- i) all storage is enclosed;
- ii) open display areas for retail or wholesale sales be adequately landscaped and/or screened to reflect the prestige location at the entrance to the Fonthill urban area;
- iii) no detrimental affects result from noise, dust, fumes, vibration, etc.;
- iv) the building and site be designed attractively to reflect the prestige location at the entrance to the Fonthill urban area;
- v) adequate buffering measures be incorporated to screen the use from abutting residential uses.

1.23.A.2 Ancillary commercial uses permitted include a limited amount of retail uses. These ancillary commercial uses shall:

- i) not threaten the viability of the commercial core in Fonthill, and a market study may be required to provide evidence to that effect;
- ii) not detract from the primary permitted uses focusing on vehicular traffic and the travelling public;

- iii) not threaten the overall character of the area nor absorb so much land that the character of the area would be threatened or altered significantly;
 - iv) be permitted only by amendment to the zoning by-law.
- 1.23.A.3 A shopping centre greater than 2,323 square metres (25,000 square feet) shall not be permitted in this designation.
- 1.23.A.4 Industrial uses permitted within this designation include light manufacturing, warehousing and industrial servicing and supply operations providing they are compatible with the commercial character of the area, and providing:
- i) all storage is enclosed;
 - ii) no detrimental effects result from noise, dust, fumes, vibration, etc.;
 - iii) the building and site be designed attractively to reflect the prestige location at the entrance to the Fonthill urban area;
 - iv) adequate buffering measures be incorporated to screen the use from abutting residential uses.
- 1.23.A.5 Notwithstanding the permitted uses of this section, the existing building supply operations with open storage facilities located north and south of Highway 20 just east of Station Street, shall be permitted.
- 1.23.A.6 The following design criteria be addressed in the review of development and redevelopment applications along this corridor:
- i) joint or consolidated access points be implemented wherever possible to minimize entrance points and traffic congestion;
 - ii) The public road right-of-way be clearly delineated as a separate entity via landscaping, fencing, or similar measures to provide clear definition of the street;
 - iii) Linked parking areas from one property to the next be encouraged to reduce the number of turns onto and off of Highway 20;
 - iv) Landscaping amenities be required and

implemented to provide an attractive entrance to the urban area of Fonthill."

2. a) Section 1, Land Use, Industrial Areas of the Official Plan for the Town of Pelham is hereby amended to delete the paragraph preceding section 1.24 and replace it with the following paragraph:

"One industrial area is designated for the period covered by this plan. This area, Webber Road north of the airport, is suitable for dry industrial uses only."

- b) Section 1.24 is hereby deleted in its entirety and replaced with the following:

"1.24 The major uses permitted in the Industrial Area are manufacturing, warehousing and service industrial operations, providing such uses can be adequately serviced via independent sewage disposal systems and well/cistern water supply systems."

- c) Section 1.25 is hereby deleted in its entirety and replaced with the following:

"1.25 Ancillary uses that may be permitted in the Industrial Area, providing they can be adequately serviced via independent sewage disposal systems and well/cistern water supply systems, are:"

3. Schedule A, Land Use Plan to the Official Plan for the Town of Pelham is hereby amended by redesignating lands i) from "Industrial" to "Highway Industrial Commercial" and ii) from "Urban Residential" to "Highway Industrial Commercial" as identified on Schedule A attached hereto and forming part of this amendment.

THE CORPORATION OF
THE TOWN OF PELHAM

BY-LAW NO. _____

Being a by-law to regulate the use of lands and the character and use of buildings and structures within certain areas of the Town of Pelham.

WHEREAS Section 34 of the Planning Act, S.O. 1983, as amended, provides that the governing body of a Municipal Corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Planning & Development Committee of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Corporation of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. A new "Highway Commercial - HC" zone be established as follows:

"HIGHWAY COMMERCIAL, HC ZONE

Subject to the general provisions of Section 6 of By-law 1136 (1987) and all other applicable requirements and sections of By-law 1136 (1987), the provisions of this section shall apply throughout the Highway Commercial Zone.

1. Permitted Uses

- a) automobile service stations; motor fuel retail outlets; car washes (automatic or coin operated); vehicle repair shops; motor vehicle sales, service and rental establishments; vehicle autobody shops; dry cleaning plants; farm implement sales and service; service shops; restaurants including take-out, drive-in, eat-in restaurants and refreshment rooms; places of entertainment and recreation; public and private clubs; hotels and motels; custom workshops; showrooms; light manufacturing and warehousing within wholly enclosed buildings; farm produce market; personal service shop; antique shop; arts and crafts shop; magazine, stationary or tobacco shop; bakery; bakeshop; bank; delicatessen; studio; souvenir and novelty shop; building supply outlets within wholly enclosed buildings; nursery or

garden centre; swimming pool sales and service; machinery and equipment sales, service and retail; boat, trailer and recreational vehicle sales, service and rental; funeral homes and undertaking establishment; plumbing, heating, electrical, air conditioning sales and service; radio and television sales, service and rental; warehouse sales outlets; business and professional offices; shopping centres less than 2,323 square metres (25,000 square feet).

- b) uses, buildings and structures accessory to the foregoing permitted uses.

2. Regulations for Permitted Uses

- a) Minimum Lot Frontage 30m (100 sq.ft.)
- b) Minimum Lot Area 1400 sq.m.
(15,070 sq.ft.)
- c) Maximum Lot Coverage 60 percent
- d) Minimum Front Yard 18m (60 ft.)
- e) Minimum Side Yard
- i) nil where the yard abuts a commercial zone and legal access is available to the rear yard by a private or public land or easement
- ii) one side yard 4.0 metres, and the other side yard nil, where the yard abuts a commercial zone and no access to the rear yard is available except via the said side yard
- iii) 9.0 metres where the side yard is adjacent to a residential zone
- iv) 9.0 metres where the yard abuts a street (minimum exterior side yard)
- f) Minimum Rear Yard
- none except where adjacent to a residential zone the minimum rear yard shall be 9.0 metres
- g) Yards Adjacent to a Railway
- Notwithstanding sections e) and f) herein, no minimum side yard or rear yard shall be required adjacent to a railway.

h) Landscaping

In addition to the provisions of section 6.17 Planting Strips of By-law 1136 (1987), a planting strip shall be required along the front lot line, exterior side lot line and rear lot line where it abuts a street, and shall be required along any lot line which abuts a railway.

i) Exterior Lighting

In addition to the provisions of section 6.16 e) of By-law 1136 (1987), exterior lighting and illuminated signage shall be directed away from any adjacent residential zone.

j) Loading Spaces

In addition to the provisions of section 6.9 of By-law 1136 (1987), no loading space shall be permitted in a yard adjacent to a residential zone.

3. The definitions of section 5 of By-law 1136 (1987) shall apply throughout the Highway Commercial zone. In addition, the following definition is established as follows:

"Warehouse sales outlet (factory outlet, warehouse showroom) means a building or structure or part thereof where commodities are stored and offered for sale and shall include only the following: home furnishing and home improvement products, furniture, appliances, electrical fixtures, carpets and floor coverings, building supplies, plumbing supplies, draperies and decorating supplies such as paints and wallpaper."

4. The provisions of section 6.16 a) of By-law 1136 (1987) shall apply throughout the Highway Commercial zone, with the exception of the minimum parking requirement for a "Retail Store" which is deleted and replaced as follows:

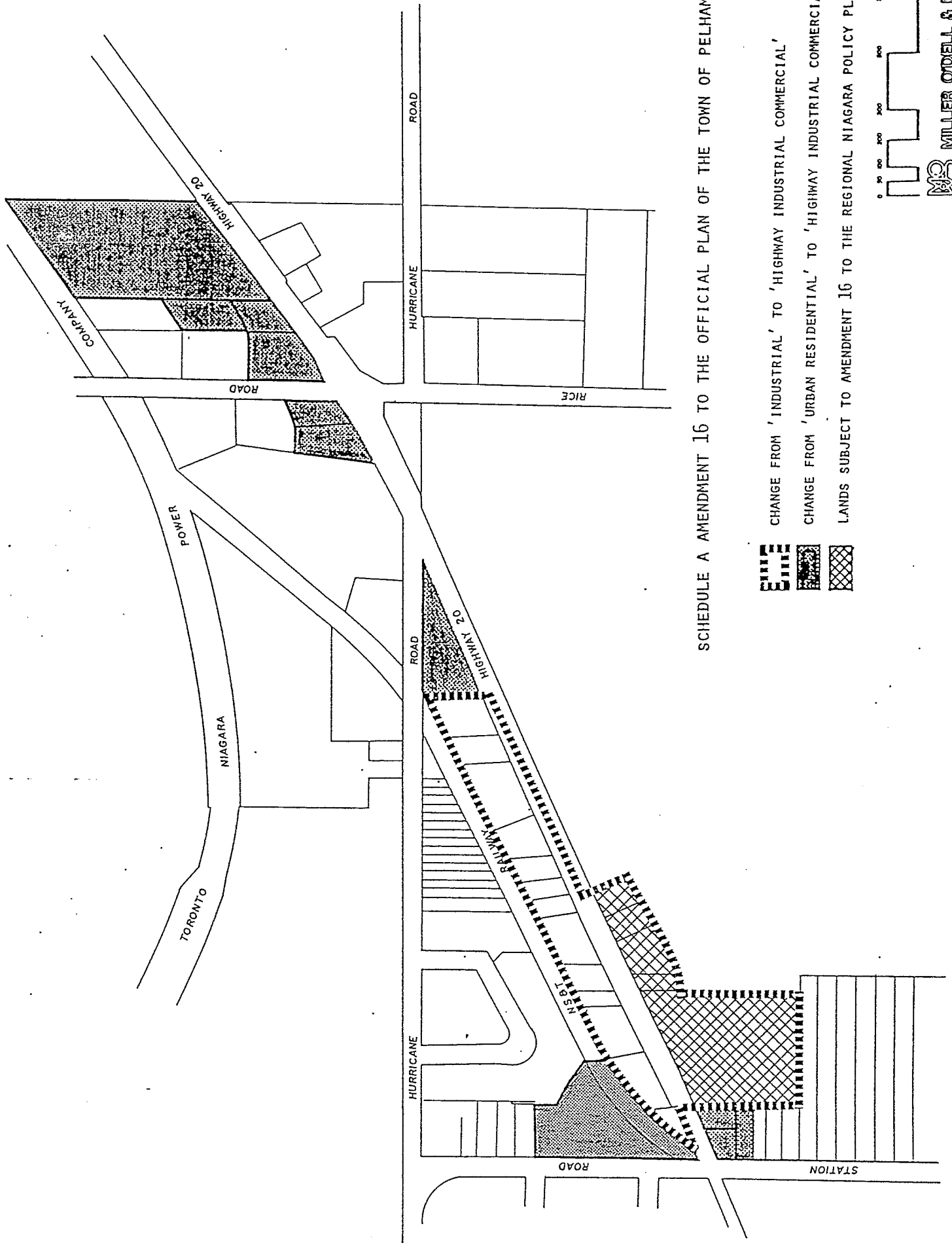
<u>Type of Use Requirement</u>	<u>Minimum Parking</u>
Retail Store (other than a furniture store or factory outlet.	1 space per 25m ² (269 sq.ft.)

5. Notwithstanding the Permitted Uses of the "Highway Commercial, HC" zone as outlined in section 1 above, nothing shall prevent the continued use of the lands zoned "Highway Commercial (Holding) Exception 85, HC(H) 85" on Schedule A attached hereto and forming part of this by-law, for open storage facilities.
6. Notwithstanding the Permitted Uses of the "Highway Commercial, HC" zone as outlined in section 1 above, nothing shall prevent the use of lands zoned "Highway Commercial Exception 84, HC 84" on Schedule A attached hereto and forming part of this by-law for residential use (apartments) as an ancillary use to the principle commercial use of the property.
7.
 - i) The lands identified on Schedule A attached hereto and forming part of this by-law are hereby zoned "Highway Commercial, HC".
 - ii) The lands identified on Schedule A attached hereto and forming part of this by-law are hereby zoned "Highway Commercial (Holding), HC(H)", and the removal of the Holding provision shall be by amendment to this by-law.
 - iii) The lands identified on Schedule A attached hereto and forming part of this by-law are hereby zoned "Highway Commercial (Holding) Exception 85, HC(H) 85", and the removal of the Holding (H) provision shall be by amendment to this by-law.
 - iv) The lands identified on Schedule A attached hereto and forming part of this by-law are hereby zoned "Highway Commercial Exception 84, HC 84".
8. That this by-law will come into force and take effect pursuant to Sections 34(19) and 34(31) of the Planning Act, S.O. 1983.

Read a first, second and third time and finally passed by Council
this _____ day of _____, 1989 A.D.

Mayor

Clerk



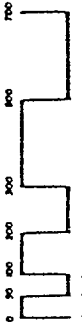
SCHEDULE A AMENDMENT 16 TO THE OFFICIAL PLAN OF THE TOWN OF PELHAM



CHANGE FROM 'INDUSTRIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'

CHANGE FROM 'URBAN RESIDENTIAL' TO 'HIGHWAY INDUSTRIAL COMMERCIAL'

LANDS SUBJECT TO AMENDMENT 16 TO THE REGIONAL NIAGARA POLICY PLAN



PLANNING REPORT

P-26/89

TO: Mayor Collins and Members of Council

SUBMITTED BY: Murray Hackett, Clerk Administrator

PREPARED BY: J. Bernardi, Deputy Clerk/Planning Administrator

DATE OF MEETING: June 5th, 1989

SUBJECT: Highway #20 Commercial Review
Proposed Official Plan and Zoning By-Law Amendment

=====

On May 30th, 1989 the Planning & Development Committee recommended to Council approval of the above amendments.

The Zoning By-Law amendment contained a "Holding" provision in the proposed "Highway Commercial" zoning. This "Holding" provision was to be retained until the completion of the watermain looping system on Hurricane Road and Highway #20.

In view of the fact that the said watermain looping system is currently under construction and possibly completed, it was the Committee's recommendation that Council approve the removal of the "Holding" provision subject to a report of the Public Works Superintendent stating the watermain looping system has been completed.

This matter has been discussed with the Public Works Superintendent and the Town Engineer and attached you will find a letter from Mr. Lampman, dated June 1st, 1989, stating that the watermain looping system was completed on May 31st, 1989.

Based on the above the proposed zoning by-law amendment for Highway #20 on tonight's agenda has been revised to reflect the deletion of the "Holding" provision for the "Highway Commercial" zoning.

RECOMMENDATION:

THAT Council remove the "Holding" provision in the "Highway Commercial" zoning in view of the fact that the Hurricane Road and Highway #20 watermain looping system has been completed as of May 31st, 1989.

Prepared by,

Respectfully submitted by,

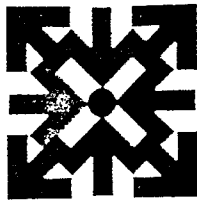


J. Bernardi
Deputy Clerk



Murray Hackett
Clerk Administrator

JB:ke
June 1, 1989
attachment



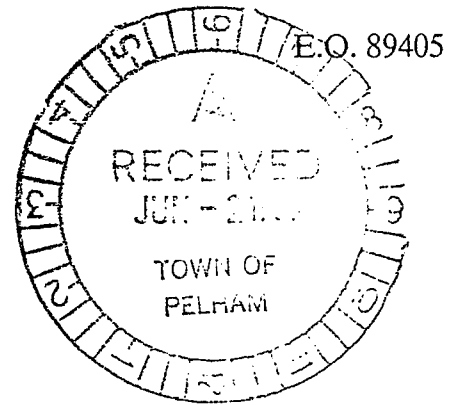
The
Proctor & Redfern
Group
Consulting Engineers and Planners

210 King Street
St. Catharines, Ontario L2R 3J9
Telephone: (416) 688-4272
1 800 263-9803
Fax: (416) 688-5812

June 1, 1989

Town of Pelham
P.O. Box 400
Fonthill, Ontario
L0S 1E0

Attention: Mr. Murray Hackett
Clerk-Administrator



Dear Sir

Hurricane Road Watermain Extension

The above-noted project has been completed in its entirety as of May 31st, 1989. All pressure testing and bacteriological analyses have been successfully concluded. The watermain can, therefore, be put into service. We are making arrangements to conduct fire flow tests on the Highway 20 section at Rice Road in the near future to verify the improvement to fire flows in this area.

Yours very truly

THE PROCTOR & REDFERN GROUP

D. Lampman, P. Eng.
Manager - Niagara Area

DL/fa

cc: J. Bernardi
A. Mannell
G. White
W. Minor

BY-LAW NO. 1261 (1989)

Being a by-law to regulate the use of lands and the character and use of buildings and structures within certain areas of the Town of Pelham.

WHEREAS Section 34 of the Planning Act, S.O. 1983, as amended, provides that the governing body of a Municipal Corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Planning & Development Committee of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Corporation of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

(1) A new "Highway Commercial - HC" Zone be established as follows:

HIGHWAY COMMERCIAL HC ZONE

Subject to the general provisions of Section 6 of By-Law 1136 (1987) and all other applicable requirements and sections of By-Law 1136 (1987), the provisions of this section shall apply throughout the Highway Commercial Zone.

1.1 PERMITTED USES

- (a) automobile service stations; motor fuel retail outlets; car washes (automatic or coin operated); vehicle repair shops; motor vehicle sales, service and rental establishments; vehicle autobody shops; dry cleaning plants; farm implement sales and service; service shops; restaurants including take-out, drive-in, eat-in restaurants and refreshment rooms; places of entertainment and recreation; public and private clubs; hotels and motels; custom workshops; showrooms; light manufacturing and warehousing within wholly enclosed buildings; farm produce market; personal service shop; antique shop; arts and crafts shop; magazine, stationary or tobacco shop; bakery; bakeshop; bank; delicatessen; studio; souvenir and novelty shop;

building supply outlets within wholly enclosed buildings; nursery or garden centre; swimming pool sales and service; machinery and equipment sales, service and retail; boat, trailer and recreational vehicle sales, service and rental; funeral homes and undertaking establishment; plumbing, heating, electrical, air conditioning sales and service; radio and television sales, service and rental; warehouse sales outlets; business and professional offices; shopping centres less than 2,323 square metres (25,000 square feet).

- (b) uses, buildings and structures accessory to the foregoing permitted uses.

(2) REGULATIONS FOR PERMITTED USES

- (a) Minimum Lot Frontage 30m (100 sq. ft.)
- (b) Minimum Lot Area 1400 sq. m.
(15,070 sq. ft.)
- (c) Maximum Lot Coverage 60 percent
- (d) Minimum Front Yard 18m (60 ft.)
- (e) Minimum Side Yard

i) nil where the yard abuts a commercial zone and legal access is available to the rear yard by a private or public land or easement

ii) one side yard 4.0 metres, and the other side yard nil, where the yard abuts a commercial zone and no access to the rear yard is available except via the said side yard

iii) 9.0 metres where the side yard is adjacent to a residential zone

iv) 9.0 metres where the yard abuts a street
(minimum exterior side yard)

- (f) Minimum Rear Yard

none except where adjacent to a residential zone the minimum rear yard shall be 9.0 metres

con't.

(g) Yards Adjacent to a Railway

Notwithstanding sections e) and f) herein, no minimum side yard or rear yard shall be required adjacent to a railway.

(h) Landscaping

In addition to the provisions of section 6.17 Planting Strips of By-Law 1136 (1987), a planting strip shall be required along the front lot line, exterior side lot line and rear lot line where it abuts a street, and shall be required along any lot line which abuts a railway.

(i) Exterior Lighting

In addition to the provisions of section 6.16 e) of By-Law 1136 (1987), exterior lighting and illuminated signage shall be directed away from any adjacent residential zone.

(j) Loading Spaces

In addition to the provisions of section 6.9 of By-law 1136 (1987), no loading space shall be permitted in a yard adjacent to a residential zone.

(3) The definitions of section 5 of By-Law 1136 (1987) shall apply throughout the Highway Commercial Zone. In addition, the following definition is established as follows:

"Warehouse sales outlet (factory outlet, warehouse showroom) means a building or structure or part thereof where commodities are stored and offered for sale and shall include only the following: home furnishing and home improvement products, furniture, appliances, electrical fixtures, carpets and floor coverings, building supplies, plumbing supplies, draperies and decorating supplies such as paints and wallpaper."

con't.

(4) The provisions of section 6.16 a) of By-Law 1136 (1987) shall apply throughout the Highway Commercial Zone, with the exception of the minimum parking requirement for a "Retail Store" which is deleted and replaced as follows:

<u>Type of Use</u> <u>Requirement</u>	<u>M i n i m u m P a r k i n g</u>
Retail Store (other than a furniture store or factory outlet.	1 space per 25m ² (269 sq. ft.)

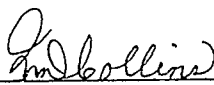
(5) Notwithstanding the Permitted Uses of the "Highway Commercial , HC" zone as outlined in section 1 above, nothing shall prevent the continued use of the lands zoned "Highway Commercial Exception 85, HC 85" on Schedule A attached hereto and forming part of this by-law for open storage facilities.

(6) Notwithstanding the Permitted Uses of the "Highway Commercial, HC" zone as outlined in section 1 above, nothing shall prevent the use of lands zoned "Highway Commercial Exception 84, HC 84" on Schedule A attached hereto and forming part of this by-law for residential use (apartments) as an ancillary use to the principle commercial use of the property.

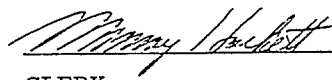
- (7) i) The lands identified on Schedule A attached hereto and forming part of this by-law are hereby zoned "Highway Commercial, HC".
- ii) The lands identified on Schedule A attached hereto and forming part of this by-law are hereby zoned "Highway Commercial Exception 85, HC 85".
- iii) The lands identified on Schedule A attached hereto and forming part of this by-law are hereby zoned "Highway Commercial Exception 84, HC 84".

(8) That this by-law will come into force and take effect pursuant to Sections 34(19) and 34(31) of the Planning Act, S.O. 1983.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
5TH DAY OF JUNE ,1989 A.D.



MAYOR



CLERK

