



**TOWNSHIP OF WEST LINCOLN  
PLANNING/BUILDING/ENVIRONMENTAL  
COMMITTEE AGENDA**

**MEETING NO. SEVEN**

**Monday, September 11, 2023, 6:30 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

**NOTE TO MEMBERS OF THE PUBLIC:** All Cell Phones, Pagers and/or PDAs to be turned off. Members of the public who are attending and participating virtually are reminded to keep their microphones muted until they are acknowledged to speak. Additionally, for your information, please be advised that this meeting will be livestreamed as well as recorded and will be available on the Township's website.

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**Pages**

**1. CHAIR - Councillor William Reilly**

Prior to commencing with the Planning/Building/Environmental Committee meeting agenda, Chair Reilly will provide the following announcements:

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written comments for matters that are on the agenda to [jpaylove@westlincoln.ca](mailto:jpaylove@westlincoln.ca) before 4:30 pm on the day of the meeting. Comments submitted will be considered as public information and will be read into the public record.
3. This meeting will be livestreamed as well as recorded and available on the Township's website.

**2. LAND ACKNOWLEDGEMENT STATEMENT**

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise

stewardship of the lands on which we live.

**3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

**4. PUBLIC MEETING(S)**

**4.1 Zoning Bylaw Amendment - Henry and Lisa Van Ryn - 8248 Concession 3 Road**

Re: An application for a Zoning Bylaw Amendment has been submitted by Henry and Lisa Van Ryn for the property municipally known as 8248 Concession 3 Road and on behalf of the owners (Doug and Rita Lampman) of 8214 Concession 3 Road. Both properties are located on the south side of Concession 3 Road, south east of the Hamlet of Caistor Centre, west of Smithville Road/Regional Road 14, municipally known as 8214 and 8248 Concession 3 Road (File No. 1601-006-23).

**5. CHANGE IN ORDER OF ITEMS ON AGENDA**

**6. APPOINTMENTS**

**6.1 ITEM P59-23**

7

Nancy Neville and Gord Szaszi

Re: Waiving of Development Fees for Legion Villa

**POWERPOINT PRESENTATION**

**RECOMMENDATION:**

1. That, the presentation made by Nancy Neville and Gord Szaszi regarding a request to waive the fees for the new development for the Legion Villa be received; and,
2. That, the correspondence as outlined above be referred to staff to present a recommendation report at a future Planning/Building/Environmental Committee Meeting.

**6.2 ITEM P60-23**

17

Dora Pavlidis

Re: Backyard Chickens in Residential Zones

**7. REQUEST TO ADDRESS ITEMS ON THE AGENDA**

**NOTE: Section 10.13 (5) & (6) – General Rules**

One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with **five (5) minutes** to address their issue (some exceptions apply). A response may not be provided and the matter may be referred to staff. A person who wishes to discuss a planning application or a matter that can be appealed, will be permitted to speak for ten (10) minutes.

Chair to inquire if there are any members of the public present who wish to address any items on the Planning/Building/Environmental Committee

agenda.

8. **CONSENT AGENDA ITEMS**

All items listed below are considered to be routine and non-controversial and can be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it, in which case the item will be removed from the consent resolution and considered immediately following adoption of the remaining consent agenda items.

8.1 **ITEM P61-23**  
**CONSENT AGENDA ITEMS**

**RECOMMENDATION:**

That the Planning/Building/Environmental Committee hereby approve the following Consent Agenda items:

- 1. Items 1, and 2 be and are hereby received for information; and,
- 2. Item 3 be and is hereby received and the recommendation contained therein be approved.

with the exception of Item no.(s)\_\_\_\_\_.

- |    |  |    |
|----|--|----|
| 1. | Information Report PD-44-2023 – 2022 Building Department Annual Budget Report  | 33 |
| 2. | Information Report PD-48-2023 - Housekeeping Amendment No.7  | 37 |
| 3. | Recommendation ReportPD-45-2023 – Removal of 1995 Development Agreement from Title of Pt Lot 31, Conc 6, Former Township of Gainsborough, now the Township of West Lincoln | 62 |

9. **COMMUNICATIONS**

10. **STAFF REPORTS**

10.1 **ITEM P62-23** 68

Senior Planner (Susan Smyth), Manager of Planning (Dave Heyworth) & Director of Building and Planning (Brian Treble)

Re: Recommendation Report PD-42-2023 – Application for Zoning Bylaw Amendment for 8214 and 8248 Concession 3 Road (File No. 1601-06-23)

**RECOMMENDATION:**

- 1. That, Recommendation Report PD-42-2023, regarding “Application for Zoning Bylaw Amendment for 8214 and 8248 Concession 3 Road (File No. 1601-06-23)”, dated September 11, 2023, be received; and,
- 2. That, the application for Zoning Bylaw Amendment submitted

by Henry and Lisa Van Ryn owners of 8248 Concession 3 Road, and Doug and Rita Lampman owners of 8214 Concession 3 Road, be approved in accordance with the attached Amending Zoning By-law with the site-specific regulations; and,

- 3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

10.2

ITEM P63-23

93

By-law Enforcement Officer (Jesse Paul) & Director of Building and Planning (Brian Treble)  
Re: Recommendation Report PD-46-2023 – Amendment to Accessible Parking By-Law

**RECOMMENDATION:**

- 1. That, Recommendation Report PD-46-2023, regarding “Amendment to Accessible Parking By-Law”, dated September 11, 2023 be received; and,
- 2. That, the Accessible Parking By-law, 97-2020, as amended, be further amended by deleting and replacing the definition of an accessible parking space as listed in the Draft Amending By-law, as found at Attachment 1 to this report.

10.3

ITEM P64-23

99

Director of Building and Planning (Brian Treble)  
Re: Recommendation Report PD-47-2023 - 167 St. Catharine Street Draft Plan of Condominium Extension Approval - 1 Year File No. 2100-086-17

**RECOMMENDATION:**

- 1. That, report PD-47-2023, regarding “Recommendation Report, 167 St. Catharine Street Draft Plan of Condominium Extension Approval, File No. 2100-086-17” dated September 11, 2023, be received; and,
- 2. That, the Draft Plan approval for 167 St. Catharine Street BE EXTENDED for a period of one year, to expire on May 25, 2024, subject to the conditions found at Attachment 2 to this report; and,
- 3. That, a notice of extension be circulated to relevant agencies and departments.

11. OTHER BUSINESS

11.1 ITEM P65-23

Members of Committee  
Re: Other Business Matters of an Informative Nature



**12. NEW BUSINESS**

**NOTE:** Only for items that require immediate attention/direction and must first approve a motion to introduce a new item of business (Motion Required).

**13. CONFIDENTIAL MATTERS**

**RECOMMENDATION:**

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

13.1 Director of Building and Planning (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Helen Kszan (File No.22-00280)

**VERBAL UPDATE**

**Applicable closed session exemption(s):**

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose; and,
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

13.2 Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Official Plan Amendment (OPA) 63

**VERBAL UPDATE**

**Applicable closed session exemption(s):**

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose; and,
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

13.3 Director of Planning & Building (Brian Treble)

Re: Property Matter/By-law Enforcement Matter - South Grimsby Road Property Matter

**VERBAL UPDATE**

**Applicable closed session exemption(s):**

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees

13.4 By-Law Enforcement Officer (Jesse Paul) & Director of Planning and

Building (Brian Treble)

Re: Legal/Enforcement Matters - Quarterly By-Law Update

**VERBAL UPDATE**

**Applicable closed session exemption(s):**

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees

**RECOMMENDATION:**

That, this Committee meeting does now resume in open session at the hour of \_\_\_\_\_.

**13.1 ITEM P66-23**

Director of Building and Planning (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) -

Helen Kszan (File No.22-00280)

**VERBAL UPDATE**

**13.2 ITEM P67-23**

Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) -

Official Plan Amendment (OPA) 63

**VERBAL UPDATE**

**13.3 ITEM P68-23**

Director of Planning & Building (Brian Treble)

Re: Property Matter/By-law Enforcement Matter - South Grimsby Road

Property Matter

**VERBAL UPDATE**

**13.4 ITEM P69-23**

By-Law Enforcement Officer (Jesse Paul) & Director of Planning and

Building (Brian Treble)

Re: Legal/Enforcement Matters - Quarterly By-Law Update

**VERBAL UPDATE**

**14. ADJOURNMENT**



# Legion Villa Seniors' Community Housing Development Project

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161 / 171 MILL STREET, SMITHVILLE



# Who we are: Legion Villa

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- Established non-profit organization proud to provide affordable housing to seniors here in West Lincoln for over 30 years
- Volunteer board made up of community-focused West Lincoln residents
- We successfully operate 2 affordable seniors' apartment buildings and property at 161 & 171 Mill Street (30 units & 32 units)



# Proposed Development:

## WHY DEVELOP?

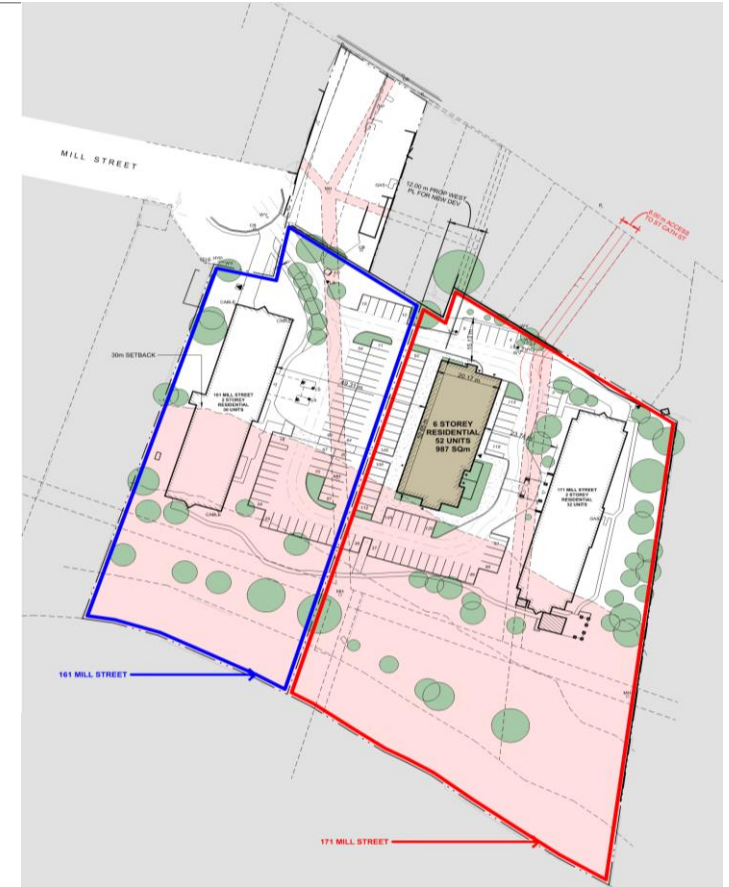
- Housing crisis across Niagara, including need for 55+ affordable housing in West Lincoln
- Legion Villa current waitlist is 12 years for a rental unit



NORTH-WEST PERSPECTIVE

## ANSWER:

- Proposed 6-storey, 52-unit infill apartment on 171 Mill Street
- Safe, welcoming and affordable living for low-income seniors
- Various on-site programs and services for tenants
- Accessibility and Aging-in-Place features incorporated into design
- Emphasis on Energy Efficiency to maintain low utilities costs





# What we are asking from Council:

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- **Will Council continue Town support by waiving:**
  - 1) fees already paid for Planning Act Consent & Lot Boundary Adjustment (\$1,408);
  - 2) all future Planning fees, including Zoning By-Law Amendment, Site Plan Approval and Development Charges (currently exempt under Bill 23)
- **Why Legion Villa is asking?**
  - Legion Villa is a non-profit & registered charity with very limited capital funds to advance project work
  - Financial support (fee waivers, incentives, grants) and expedited approvals from all levels of government, local municipalities in particular, are critical for success on any affordable housing project
  - West Lincoln planning staff continue to be a strong partner during planning & feasibility stage
  - West Lincoln CoA recently approved our request for Lot Boundary Adjustment & Minor Variance



# Financial Impact of Town & other Gov't Support:

2020 to 2023:

CMHC Seed  
Funding  
(Grant & Loan)

- Site Surveys
- Environmental Site Assessment
- Land Appraisal
- Legal Review
- Architectural Feasibility and Schematic Design

2023 to 2024:

Municipal Fee  
Waivers &  
Future Grant  
Applications

- Geotechnical Study
- Energy Modelling
- Cost Consultant Report
- Zoning By-Law Amendment
- Engineers' Reports
- Site Plan Approval

2024 to 2026:

Future Capital  
Funding  
(CMHC or  
other)

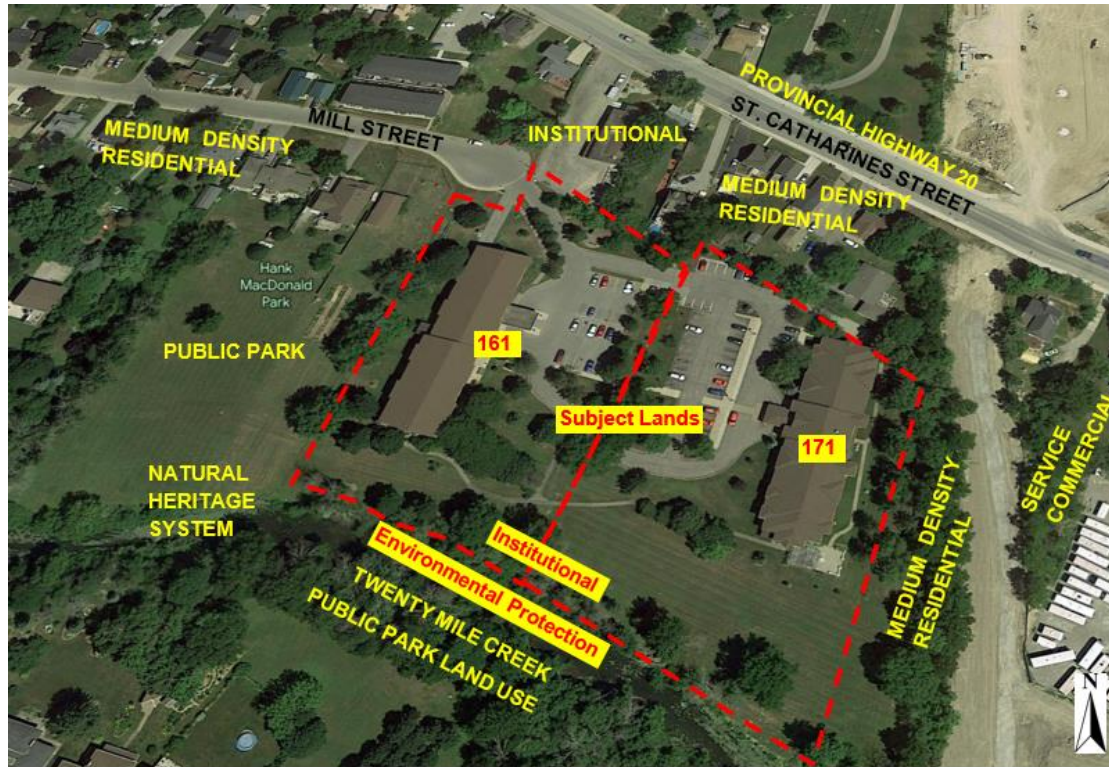
- Full Design & Building Permits
- Construction & Occupancy





# Thank You for your Support

- Questions?



N.T.S



WEST PERSPECTIVE



EAST PERSPECTIVE



# Request to Speak at a Meeting

If you are interested in appearing in person at a Council or Standing Committee meeting to present information or an opinion on a matter, please fill in the form below.

Please note: Your request must be submitted by 4:30 p.m. 10 days prior to the Committee or Council meeting.

**Full Name: \***

Nancy Neville and Gord Szaszi

**Who are you representing? \***

- ☐ Self
- ☒ Group/Organization

**Group or Organization Name: \***

Legion Villa

**Street Address: \***

[REDACTED]

**Town/City: \***

[REDACTED]

**Postal Code: \***

[REDACTED]

**How would you like us to contact you? \***

- ☒ Email
- ☐ Telephone

**Email Address: \***

[REDACTED]

## Presentation Details

**Which meeting would you like to present at? \* ?**

Council

**Requested Meeting Date: \***

9/11/2023



**What is the presentation topic? \***

Waiving of Development Fees

**Do you have a presentation (slide deck)? \***

**Please upload your presentation materials.**

☒ Yes ☐ No

**Have you presented before on this topic? \***

☒ Yes ☐ No

**Please provide details on your presentation. Include questions or requests of the Committee or Council. \***

We have presented at the Committee of Adjustments in regard to a minor variance on the property in order to move forward on the proposed development project. We were granted this and thank the committee for the wonderful support.

We are now presenting to the West Lincoln Council to ask for your assistance with this project.

We are hoping that this Council would be willing to waive the fees for our proposed project.

We are working towards the goal of creating much-needed affordable housing for the age group of 55 and over.

There is such a shortage in this area. Our organization alone has a waiting list of up to 12 years.

We are looking to create over 50 new units as our presentation shows, to help with the shortage of affordable housing that exists.

Waiving the fees, would do a few things.

1) It will give us the funds needed to continue with the progression of the next steps that are necessary to help us move forward and

2) It would show the community that you are just as excited about this as we as a committee are, to successfully fulfil the federal and provincial mandates of providing more housing in all formats but specifically in the realm of affordable housing as well you will help to fulfill a dream that has been in the works for a number of years by a group of committed members of this community that see a desperate need and are working hard to find at some resolve to the current desperate need.

We are open to any questions that you may have and we look forward to one day soon seeing some shovels in the ground allowing the dream to become a reality.

# Collection of Personal Information

Personal information on this form is collected under the authority of Section 6 of the Township of West Lincoln's Procedural By-Law for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before a Committee or Council.

Any questions about the collection, use and disclosure of personal information should be addressed to the Township Clerk:

- Email: [clerk2@westlincoln.ca](mailto:clerk2@westlincoln.ca)
- Telephone: 905-957-3346

# Thank You

Thank you for your submission. Please be advised that you will be contacted by email or by phone by a member of the Clerk's Department to confirm your appointment, provide further details and/or clarify any issues.

Town Council of West Lincoln  
318 Canborough St.  
Smithville, Ontario L0R2A0

Dear Members of the Council,

I am respectfully requesting the Council consider and find that a small number of hens (2 to 3), kept properly confined in their owner's yard, be deemed as household pets, and therefore permitted to be kept in urban and residential communities of West Lincoln.

The local foods movement is not only gaining ground, it is here to stay; and that includes family flocks of chickens. Chickens are the mascots of local foods because of the many talents and skill sets they innately bring to small scale food production. These skill sets include being pesticides (eating mosquitoes, ticks and fleas), herbicides (by eating and clearing unwanted vegetation), and organic fertilizer generators (that can help create and enhance garden soil). The trend for backyard flocks is so strong, that in the past few years, towns and cities have revised their laws to allow urban folks to keep their own chickens. With the reemergence of backyard chickens across the country, there have been tremendous amounts of misconceptions, false beliefs and downright prejudice surrounding the keeping of micro-flocks of chickens.

Across the country, urban and suburban areas are allowing small backyard flocks of hens. Major cities allowing hens as pets to be kept, include; Toronto, Ottawa, Brampton, Kitchener, Burlington, Sudbury, Sarnia, Cambridge, Guelph, Kingston, Waterloo, Brantford, Niagara Falls, Peterborough, Orangeville, Norfolk County, Hallimand and several others.

#### Hens as Pets

Owners of pet hens prize them for their tame, friendly and entertaining personalities, but also because they can play a part in a greener lifestyle. They naturally control insect pests, eat vegetable scraps, improve the lawn and provide eggs for the table.

Hens properly kept in a yard are comparable to rabbits in terms of care. An adult hen will thrive in 4 to 8 square feet of pen, compared to about 7 to 10 feet for a rabbit. It can be seen that backyard hens are pets to most home owners, rather than livestock from several points. First, the owner keeps hens ONLY; keeping chickens as livestock would require a rooster for breeding. Secondly, eggs produced by backyard hens, if any, would be used by the owners and not sold (for meat or eggs produced). Finally, the number of hens would be too small to constitute a profitable venture in either eggs or meat.

I'd like to present a few benefits to allowing hens as pets.

#### (1) Fresh Eggs from Humanely Raised Hens

Home raised hens living in spacious, clean conditions produce eggs that are fresher, better tasting and often more nutritious than their commercially farmed counterparts. Raising chickens also promotes the humane treatment of food-producing animals and a local, sustainable food system.

#### (2) Pets, Companions, and Therapy Animals

Depression, anxiety, PTSD, autism, hypertension, dementia, end-of-life care, and even general stress can be eased by the presence of animals, including chickens. "Chickens are social and empathetic creatures. As such, they can form special bonds with their human caretakers. These bonds can tremendously help individuals who are suffering from mental illnesses such as anxiety, depression, PTSD, and more. Therapy chickens have been found to lower levels of isolation and loneliness—both major contributors to mental illness. Studies have shown that they reduce anxiety and depression, they encourage verbal communication, they encourage routine and responsibility and they provide laughter and lessen loneliness.

Pet chickens are routinely used as therapy animals for individuals with a wide array of emotional, physical and other life challenges, as well as visitors to the elderly in health and retirement facilities.

Pet chickens are a hobby for most modern-day keepers; they provide companionship, entertainment and stress reduction. They are appreciated for their distinct personalities and their curious social interactions with each other.

Chickens are green pets. They eat a variety of weeds and disease-carrying insects, making backyard and water supplies safer than those where toxic insecticides and pesticides are routinely applied. Given the opportunity, they gladly till, turn, aerate, and enrich gardens with homemade, nitrogen-rich fertilizer.

There have been references to several reasons why there has been hesitation to allowing backyard chickens within the residential zoned areas of West Lincoln, and I'd like to present the following Myths and Facts.

**Myth:** Chickens are dirty and smelly.

**Fact:** Chickens spend hours each day dust bathing and meticulously preening themselves to maintain good hygiene. Chickens do not smell – animal waste smells. ALL animal waste smells. When managed properly, no odors emanate from a chicken yard. Compared to dogs, chickens produce valuable waste that can be used as valuable garden amendment, compared to a dog that generates pathogenic waste that is not usable.

**Myth:** Chickens attract rodents and predators

**Fact:** Wild animals and rodents reside in every neighborhood and are attracted to food sources such as seed in wild bird feeders and garbage cans which can be found in hundreds of yards everywhere. Concerns related to attracting rodents and predators should really be addressed by restricting bird feeders, which entice rodents and wild birds into yards where they can transmit diseases. Skunks, raccoons and other wild animals frequent backyards regardless of whether chickens occupy those yards. Chicken keepers are simply more aware of the threat predators pose to their pets than the average homeowner because we spend a lot of money implementing safeguards to prevent losses to them. Indeed, chickens are part of the solution to pesky problems. Chickens are voracious carnivores and will seek and eat just about anything that moves including ticks (Lymes disease), fleas, mosquitoes, grasshoppers, stink bugs, slugs, and even mice, baby rats and small snakes

**Myth:** Chickens carry disease that can spread

**Fact:** The truth is that small flocks have literally no risk of avian flu transmission. The 2006 Grain Report states: "When it comes to bird flu, diverse small-scale poultry is the solution, not the problem."

Centers for Disease Control (CDC) states on their website: "There is no need at present to remove a (family) flock of chickens because of concerns regarding avian flu." Avian flu has been in the press as concern to commercial poultry production where birds are raised in monster-size flocks that are confined in over-crowded environments. This causes high stress and compromised immune systems in the birds. Any sign of disease, including a sneeze, could result in a huge number of birds getting sick; and this puts at risk a large amount of profit. As many experts have stated publicly, the solution to avian flu is in small-scale poultry.

There is one huge advantage to family flocks that is often overlooked. That is their role and value in solid waste management systems. Chickens can divert tons of organic matter from the trash collection and landfills. Chickens will eat just about all kitchen "waste". They love people food, even those leftovers in the refrigerator. Combine their manure with grass clippings, fallen leaves and garden waste, and you create compost. Composting with chicken helpers keeps tons of biomass out of municipal trash collection systems.

All this can save BIG TIME taxpayer dollars, which is especially valuable in these times of stressed municipal budgets.

There is precedence for employing family flocks as part of trash management. One example is the town of Deist in Flanders, Belgian. The city buys laying hens to give to residents who want them. The chickens' job is to divert food waste from the trash stream and not having to be pickup by workers, transported, and then disposed. The savings are significant.

I have done some research on the transmission of Avian Flu, which is a concern that is being taken into consideration for legalization of backyard chickens.

The province of Manitoba has reported the following:

"In North America there are two major reservoirs or sources of avian influenza:

1. Wild ducks and geese in Canada and the U.S. naturally carry a wide range of avian influenza viruses. None of these North American strains have been implicated directly in killing large numbers of poultry and none are known to have made people sick. Of the many variations of the virus found in wild waterfowl, a few have the potential to mutate after they infect a poultry flock into forms that will kill large numbers of birds. In strains native to North America, the virus must cycle through thousands of domestic poultry before it has the opportunity to change into a highly pathogenic strain capable of killing large numbers of chickens or turkeys. No cases are known where an avian influenza virus has mutated into the deadly form in a small flock of chickens or turkeys.
2. The 100 or more live bird markets in New York, New Jersey and other U.S. states are a man-made reservoir of the disease. At these live bird markets, people can pick out live chickens, turkeys, ducks and other animals that they can have slaughtered on-site or take home to process themselves. Because of the large number and turnover of birds at these markets, the virus has the opportunity to survive by infecting the thousands of birds that pass through the markets on a weekly basis. The virus also has the potential to mutate to a deadly form under these conditions. The close contact between thousands of people visiting the markets and the manure and feathers produced by the birds is a potential human health problem. Fortunately, no live bird markets that can act as effective reservoirs of avian influenza are known to operate in Manitoba. To be an effective reservoir, a market will likely need to operate 40 weeks or more each year and accept hundreds of new birds on a weekly or monthly basis. (unless we have these live bird markets here in West Lincoln or surrounding area, we are safe from this)

The Government of Canada (Inspection Canada):

#### **How avian influenza is transmitted and spread**



Wild birds, especially waterfowl, are natural reservoirs of influenza viruses. They are not normally affected by the disease, but can still transmit it to domestic birds.

The disease can spread to birds through **contact** with infected poultry and poultry products. It can also spread through contaminated manure, litter, clothing, footwear, vehicles, equipment, feed and water.

It is essential for commercial poultry producers to use strict [biosecurity practices](#) in order to prevent introduction of the virus to their flock. Farmers should take the following measures.

- Keep poultry away from areas frequented by wild birds.
- Maintains strict control over access to poultry houses.
- Make sure that equipment is cleaned and disinfected before taking it into poultry houses.
- Do not keep bird feeders or create duck ponds close to poultry barns because they attract wild birds.
- Maintain high sanitation standards.

They further advise:

If you are in contact with live birds infected with the AI virus, take appropriate personal hygiene measures, such as the following.

- Wash your hands
- Shower
- Wash all of the clothing you had with you while abroad
- Clean and disinfect your footwear

When you return home, do the following.

- Avoid contact with farmed animals (including poultry), zoo animals or wildlife for 5 days after you return if you were exposed to similar animals while you were abroad.
- Do not visit Canadian farms for 14 days if you visited a farm or had contact with wild birds while abroad.
- Be sure the footwear you wore to the farm or when you had contact with wild birds is disinfected and your clothing is washed thoroughly and dried at a high temperature.

As per above, there are rules enacted by the Government of Canada to protect farms and farm animals. Poultry farmers should not normally allow others to enter their poultry houses and if they do, they should be following strict regulations imposed by the Government of Canada to protect their flocks.

West Lincoln has many, many homes which are zoned as farm land and most of these homes have dozens of chickens which are kept for the sale of eggs and meat. Some know how to raise

chickens; others are just learning. The idea that just by the fact that you own a piece of land that allows for the raising of dozens of chickens is safer than someone who owns a home in an area zoned as residential is not safe, is a bit prejudicial. Any city person who has a bit of money and decides they want to come live in the country, buys a farm and has chickens, is no more knowledgeable than one who has a home in a residential area. Some of us came from environments where we lived on farms in the past, or have parents who lived on farms. In many cases, the farms that have chickens, goats, horses, pigs, sheep etc, are literally one street away.

Backyard hen owners invest a lot of money and efforts into the care of their hens. The fact that they only have 2 to 4 hens, allows for individual attention to each of their pets/hens. They even give them names. They are more apt to keep their coop clean and make sure they are fed properly, like they would their dog or cat. They take more care than a farm that has 30 chickens on it, with the disposal of any manure, therefore eliminating any risk of spread of any diseases. They would be more likely to wash their hands, clothing and have a good sanitation regimen, after cleaning their coop.

In conclusion, as stated by many, small flocks are not the spreaders of disease. A flock of 2 to 4 chickens have practically a zero risk to any of the chicken farms in the area. Changing the by-law will not have hundreds of families coming forward to keep chickens, but what it will do is to give the few that do want chickens for pets/companions/support animals, to have the same rights as others in many other cities and towns.

The truth is that regardless of regulations, there are many backyard flocks at present that are kept and untold number of chickens that fly under the municipal authority radar and are living in backyards unnoticed.

Enforcement is an important consideration but potential problems already fall under other municipal jurisdictions such as Animal control, Police and Health Departments.

Nuisance and health codes, address smell, noise, sanitation concerns. Having said this, I'm not sure how anyone in the West Lincoln area can complain about backyard chicken smell with the smell of chicken and farm animal manure that permeates for miles in the area on a constant basis, from the farms in this area.

There will always be abuse of any standard, but a few bad actors should not be the expected norm that would prevent the responsible owners who would be following all the recommended rules. In fact, a few summonses for infractions issued to those who abuse, should fix that problem. I would presume the town would have the right to withdraw a permit to those homes.

I hope that this helps clarify some concerns and we can move forward to allowing the residents the choice.

Respectfully submitted,  
Dora Pavlidis

## Kitchener Animal Bylaw

### CHAPTER 408

#### Article 7

##### 408.7.1

A person may keep up to four hens at a property in a residential zone under the Zoning By-law providing the conditions and requirements contained in this Article are met.

##### 408.7.2

Every owner of hens and every owner of property on which hens are kept shall ensure that:

- (a) The owner of the hens has paid the applicable permit fee as set by Council from time to time, made application for, and obtained a permit from the City to allow the keeping of hens at that property;
- (b) The owner of the hens resides at the property
- (c) The property on which the hens are kept has residential zoning under the Zoning By-law and contains a single detached, semi-detached, or townhouse dwelling;
- (d) All owner(s) and all adult occupant(s) of the property have consented in writing to the satisfaction of the City to the keeping of hens at the property;
- (e) The hens are kept in fully enclosed coop or run in a manner that contains the hens on the property and prevents their escape from such coop or run;
- (f) The coop and any run are within the rear yard, exterior side yard, or interior side yard of the property; and

- (g) The coop and any run are set back at least ½ metres from the rear lot line and at least 2.5 metres from any interior side lot line or exterior side lot line of the property and at least 2.5 metres from any rear lot line abutting an exterior side yard or interior side yard of another property unless all owner(s) and all adult occupant(s) of any property from which the aforementioned setbacks are not in place have consented in writing to the satisfaction of the City to the placement of the coop or run.

#### 408.7.3

When a coop is built within a shed or other structure, only the portion actually used to house hens shall be required to meet the setback requirements of section 408.7.2.

#### 408.7.4

Every owner of hens and every property owner on which hens are kept shall ensure the hens are housed in a coop that is constructed and maintained;

- (a) To provide protection from weather and be adequately ventilated;
- (b) To exclude rodents and predators;
- (c) With flooring that is resistant to moisture and mold and retains heat in the cold weather;
- (d) With a chicken box sufficient to accommodate all hens;
- (e) With a perch area sufficient to accommodate all hens; and
- (f) With an accessible dust bath area

#### 408.7.5

Every owner of hens and every property owner on which hens are kept shall ensure that:

- (a) Coops and runs are maintained in a clean condition;
- (b) Coops and runs are maintained to ensure that smells do not cause a nuisance to residents of any neighbouring property or any residents of the City;

- (c) Coop floor are lined with shaving, straw, or other appropriate materials to absorb manure and facilitate cleaning;
- (d) Coops are deep cleaned at least two times yearly including disinfecting of troughs, perches and nests;
- (e) Feeders and water containers are provided and are cleaned and disinfected regularly;
- (f) All stored feed is kept in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it;
- (g) Feeding of hens is done in a manner that minimizes the attraction of rodents or other animals;
- (h) Manure and droppings are cleaned out daily and stored in a secured container or composter in accordance with compost regulations until disposed of in accordance with all applicable law and regulations;
- (i) Each hen is banded with such band containing current contact information for the hen's owner;
- (j) Hens have access to an enclosed outdoor run area;
- (k) Deceased hens are disposed of at a livestock disposal facility, through the services of a veterinarian, chicken exchange program, or through a facility as approved by the Ministry of Agriculture, Food, and Rural Affairs and are disposed of in accordance with all laws;
- (l) There is no sale of eggs, manure or other products associated with the keeping of hens;
- (m) No slaughtering or butchering of hens is done on the property;
- (n) Hens are kept in accordance with all other laws including the City's by-laws respecting noise, lot maintenance, property standards, and animals as well as provincial legislation respecting the keeping of animals.

#### 408.7.6

(1) An owner or adult occupant of property may withdraw consent to placement of a hen coop or run that is closer to their property than otherwise required by submitting written notice to the satisfaction of the City to the City's Director of By-law Enforcement. Where such consent is withdrawn, the City shall notify the owner of the property where the coop or run is placed that consent has been withdrawn.

(2) Where the City notifies a property owner that consent to have the coop or run closer to a property than otherwise required has been withdrawn, that the owner of the property on which hens are kept shall ensure that the coop or run is removed or relocated within a permitted area by the later of Nove 1 of that calendar year or six(6) months following the date of notification being given.

# What To Know About Bird Flu



## About Bird Flu

Bird flu is a disease caused by certain flu viruses that usually spreads between birds, not people. Infected birds can spread the virus through their mucous, saliva or feces. People rarely get bird flu, but when they do, it's most often through direct unprotected contact (no gloves, protective wear, facemasks, respirators or eye protection) with infected birds. People can become infected by breathing virus in droplets in the air or possibly dust, or by touching surfaces contaminated with infected bird mucous, saliva or feces and then touching their eyes, mouth or nose. Human illness from bird flu has ranged from no symptoms at all to severe illness, resulting in death.

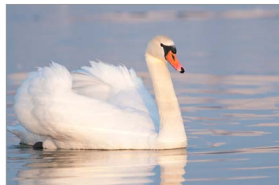
## Types of Birds That Can be Sick with Bird Flu

Wild birds that can be infected with bird flu viruses include waterbirds, like ducks, geese and swans, and shorebirds, like storks. Bird flu can spread from wild birds to poultry, like chickens and turkeys. While most wild birds can be infected with bird flu viruses without being sick, poultry, like chickens and turkeys, can get very sick and die from certain bird flu viruses. If you have poultry, your birds can get bird flu if they have contact with infected wild birds or share food, water sources and other environments with them. Most common songbirds or other birds found in the yard, like cardinals, robins, sparrows, blue jays, crows or pigeons, do not get infected with the bird flu viruses that can be dangerous to poultry or possibly spread to people.

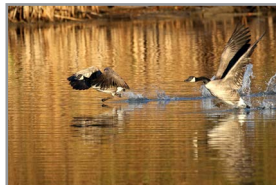
## Selected Images of Birds that Can be Infected with Bird Flu



Ducks



Swans



Geese



Chickens



Turkeys

## Have You Had Contact with an Infected or Sick Bird?

### If you had contact with infected birds as a bird flu outbreak responder:

If you had close contact with infected birds or surfaces contaminated by them because you are responding to a bird flu outbreak as part of your job, your state or local health department should contact you. If you have not been contacted by your state or local health department after your exposure, contact them as soon as you can so they can help monitor your health. In the meantime, watch for the symptoms listed on the next page.

If you begin experiencing symptoms while you are still responding to a bird flu outbreak, contact your Safety Officer and let them know about your symptoms. Your Safety Officer will update your state or local health department about your illness.



## If you are a hunter who had close contact with potentially infected wild birds:

Wild birds can carry bird flu without appearing sick. As a general precaution, people should not harvest or handle wild birds that are obviously sick or found dead. Hunters who handle wild birds should dress game birds in the field when possible and practice good biosecurity to prevent any potential disease spread. If possible, wear gloves when dressing birds, and wash hands with soap and water afterwards. USDA has more information available on preventive actions for hunters:

[https://www.aphis.usda.gov/publications/animal\\_health/2015/fsc\\_hpai\\_hunters.pdf](https://www.aphis.usda.gov/publications/animal_health/2015/fsc_hpai_hunters.pdf).

If you had close contact with obviously sick or dead wild birds, or surfaces contaminated by them, contact your state or local health department. In the meantime, watch for the symptoms listed below. If you develop symptoms, contact your state or local health department.

## If you had close contact with infected backyard poultry or other hobbyist flocks:

Poultry are likely to appear sick when they are infected with bird flu. If you had close contact with obviously sick or dead poultry, or surfaces contaminated by them, contact your state or local health department. In the meantime, watch for the symptoms listed below. USDA also has information available on preventive actions for bird owners: [https://www.aphis.usda.gov/publications/animal\\_health/card-defend-the-flock.pdf](https://www.aphis.usda.gov/publications/animal_health/card-defend-the-flock.pdf).

## Your health department will decide how you are monitored

This monitoring could include contacting you daily by phone, email or text to ask about how you feel for 10 days after you were last exposed. They may also ask that you get tested for bird flu if you have symptoms. Please follow their instructions.

## Your state or local health department will ask you to watch for these symptoms

During the 10 days after your last exposure, you should watch for these symptoms:

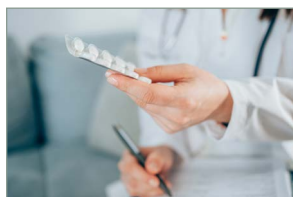
- Fever (Temperature of 100°F [37.8°C] or greater)
- Feeling feverish/Chills\*
- Cough
- Sore throat
- Difficulty breathing/Shortness of breath
- Eye tearing, redness or irritation
- Headaches
- Runny or stuffy nose
- Muscle or body aches
- Diarrhea

\*Fever may not always be present



It is important to watch for symptoms and follow your local or state health department's instructions even if your contact was short and you took safety measures. Report any symptoms to your state or local health department right away.

## You May Be Prescribed Flu Antiviral Drugs



If you get sick after being exposed to sick or potentially infected birds, a health care provider may write you a prescription for an antiviral drug to treat your illness. It's important to take the medication as directed as soon as possible.



# Request to Speak at a Meeting

If you are interested in appearing in person at a Council or Standing Committee meeting to present information or an opinion on a matter, please fill in the form below.

Please note: Your request must be submitted by 4:30 p.m. 10 days prior to the Committee or Council meeting.

**Full Name: \***

Dora Pavlidis

**Who are you representing? \***



Self



Group/Organization

**Street Address: \***

[REDACTED]

**Town/City: \***

[REDACTED]

**Postal Code: \***

[REDACTED]

**How would you like us to contact you? \***



Email



Telephone

**Email Address: \***

[REDACTED]

## Presentation Details

**Which meeting would you like to present at? \*** 

Planning/Building/Environmental Committee

**Requested Meeting Date: \***

9/11/2023



**What is the presentation topic? \***

Backyard chickens in residential zones

**Do you have a presentation (slide deck)? \***

☐ Yes

☒ No

**Have you presented before on this topic? \***

☐ Yes

☒ No

**Please provide details on your presentation. Include questions or requests of the Committee or Council. \***

Request for change in By-law restricting the possession of small flock of chickens in backyards of areas zoned as residential.

## Collection of Personal Information

Personal information on this form is collected under the authority of Section 6 of the Township of West Lincoln's Procedural By-Law for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before a Committee or Council.

Any questions about the collection, use and disclosure of personal information should be addressed to the Township Clerk:

- Email: [clerk2@westlincoln.ca](mailto:clerk2@westlincoln.ca)
- Telephone: 905-957-3346

# Thank You

Thank you for your submission. Please be advised that you will be contacted by email or by phone by a member of the Clerk's Department to confirm your appointment, provide further details and/or clarify any issues.

**DATE:** September 11, 2023

**REPORT NO:** PD-44-2023

**SUBJECT:** **Information Report – 2022 Building Department Annual Budget Report**

**CONTACT:** Brian Treble, Director of Planning & Building

**OVERVIEW:**

- The purpose of this report is to provide Planning/Building/Environmental Committee (the Committee) and Council with information regarding revenues and expenses associated with administering and enforcing the Building Code Act during 2022.
- This report is required annually as outlined in Section 7(4) of the Building Code Act.
- This report will also be posted on the Township website to ensure compliance with the public requirements of Section 7(4).

**RECOMMENDATION:**

1. That, Information Report PD-44-2023, regarding the “2022 Building Department Annual Budget Report”, dated September 11<sup>th</sup>, 2023 be received for information.

**ALIGNMENT TO STRATEGIC PLAN:**

**Strategic Strategy #1**

- **Build** – a safe, connected, caring and active community.

**BACKGROUND:**

In accordance with Section 7(4) of the *Building Code Act*, the Building Department is required to report annually on the direct and indirect costs of operating the Building Department. This has historically been published with each year’s Township Budget document. Most municipalities however, prepare statements in a form such as the Table found as Schedule A to the report and then the annual report is posted on the municipal website. West Lincoln has been posting the report on the Township website for many years.

**CURRENT SITUATION:**

Section 7(4) of the *Building Code Act* states that every twelve months each municipality shall prepare a report that contains such information as may be prescribed, about any fees authorized under the Act and any costs that are incurred by the municipality to administer and enforce the Act in its area of jurisdiction.

The Building Department Annual Budget Report consists of three components: total fees collected, costs both direct and indirect and finally the balance of the building reserve fund.

**Total Fees Collected:** This refers to revenues generated from building permit fees. This does not include revenues generated from other sources such as fines or fees or revenues from other municipal services.

**Direct and Indirect Costs:** The second component of the annual report sets out the direct and indirect costs of administration and enforcement of the Building Code Act. Direct costs are the costs of the building department itself, while indirect costs are for services provided to the building department by other departments within the municipality.

**Reserve Funds:** The final component of the report includes information on the reserve fund. Reserves are created when the total fees received exceed the total direct and indirect costs. Reserve funds are intended to be set aside to offset costs in years where building fee revenues are less than the cost of delivering the Building Department service.

For Council's information, there was a deficit in revenue of \$250,425 in 2022. As directed by legislation, a deficit cannot be carried forward to the next year; only a surplus can be carried forward. Therefore, a corresponding amount was drawn from the reserve account to balance the Building Department budget for 2022. Increases to building permit fees occurred May 1<sup>st</sup>, 2022 through report PD-28-2022 and again on January 1<sup>st</sup>, 2023 through the implementation of the Township's Rates and Fees Comprehensive Booklet, which should ultimately help to offset the deficit from 2022. Another deficit is projected in 2023 due to the timing of subdivision approvals and delays in new housing starts.

This report is prepared to satisfy the requirements of Section 7(4) of the *Building Code Act*, and is provided to Committee and Council for their information.

#### **FINANCIAL IMPLICATIONS:**

The Building Department is self-sustaining overall and there is no long-term impact to the Township's main operation budget.

#### **INTER-DEPARTMENTAL COMMENTS:**

In 2022 Township Building staff processed 210 building permits as compared to 293 total permits for 2021.

#### **CONCLUSION:**

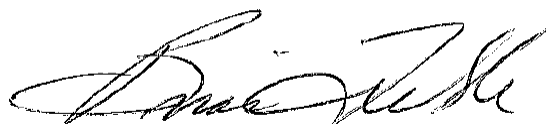
Staff presents this report to Committee and Council in order to fulfil the obligation in accordance with Section 7(4) of the *Building Code Act*.

This report will be placed on the Townships website in order to inform the public as required by the Act.

**ATTACHMENTS:**

1. Schedule A – 2022 Building Department Annual Budget Report as of December 31, 2022.

**Prepared & Submitted by:**



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**Brian Treble**  
**Director of Planning & Building**

**Approved by:**



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**Bev Hendry**  
**CAO**

**TOWNSHIP OF WEST LINCOLN**

**BUILDING PERMIT FEE ANNUAL REPORT**

**FOR THE 12 MONTHS ENDING DECEMBER 31st**

	<b>Actual 2022</b>
<b>TOTAL FEES</b>	<u>\$267,176</u>
<b>DIRECT COSTS</b>	
Staffing Costs	\$251,341
Office Expenses	\$85,360
Capital Expenditures	\$0
<b>TOTAL DIRECT COSTS</b>	<u>\$336,701</u>
<b>INDIRECT COSTS</b>	\$180,900
<b>TOTAL DIRECT &amp; INDIRECT COSTS</b>	<u>\$517,601</u>
<b>REVENUE (BELOW)OVER COSTS</b>	<u><u>-\$250,425</u></u>

**STATEMENT OF RESERVES**

Opening Balance, January 1	\$369,117
Transfer to (from) Reserves	-\$250,425
Interest Earned on the Reserve	\$4,905
Closing Balance, December 31	<u>\$123,597</u>

**Basis:** Section 7(4) of the Building Code Act requires an annual report be prepared setting out the total fees collected, the direct and indirect costs related to administration and enforcement, and the statement of reserve funds for the building department.



**DATE:** September 11, 2023

**REPORT NO:** PD-48-2023

**SUBJECT:** **Information Report – Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendment No. 7 (File No. 1601-007-23)**

**CONTACT:** Brian Treble, Director of Planning & Building

**OVERVIEW:**

- In June of 2017 the Council of the Township of West Lincoln approved the new Comprehensive Zoning Bylaw 2017-70.
- In each of the following years the Zoning By-law has been updated through minor housekeeping amendments to keep the bylaw functioning as intended and to correct a number of site specific issues.
- Township Planning staff have again identified a number of minor issues that should be addressed through a seventh round of housekeeping amendments to the Zoning By-law. These issues include:
  - Update the definition of the term 'salvage yard'
  - Addition of a definition and permitted use for truck and transport terminal
  - Adjustments to the R2, R3, R4, RM2, RM3 and RM4 zones for back to back and stacked back to back townhouses as per review completed on our behalf as a commitment to the P. Budd Development appeal of Housekeeping No. 6, done by a consultant (GSP Group).
  - Changes to accessory dwelling provisions as per Bill 23.
- Township Planning staff propose to hold a Public Meeting at the October 10<sup>th</sup>, 2023 Planning, Building, Environmental Committee Meeting.
- Following input received from the public and agencies, planning staff recommend that a recommendation report be prepared and presented at a future committee meeting.

**RECOMMENDATION:**

1. That, Information Report PD-48-2023, regarding "Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendment No. 7 (File No. 1601-007-23)", dated September 11, 2023 be received; and,
2. That, staff be authorized to commence a public meeting process for Housekeeping Amendment No. 7.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme #1 & #2**

- **Build** a safe, connected caring and active community
- **Champion** strategic and responsible growth

## **BACKGROUND:**

Township Council in June of 2017 approved the new Comprehensive Zoning By-law 2017-70. This was the first time a new Comprehensive Zoning By-law was passed since the Township passed its first Zoning By-law in 1979.

Several minor issues have been identified since the By-law was passed, concerning both Township wide regulations and site specific zonings. Many of these issues have been addressed through previous housekeeping amendments which have taken place each year since the bylaw's adoption.

A few new issues have come to the attention of Township planning staff, and staff are proposing to address these issues through a seventh round of housekeeping amendments. As these changes would result in amending the Township Zoning By-law, in which public consultation process is required.

A number of changes are triggered by Provincial Changes through Bill 109 and Bill 23 and PPS/P2G changes, as well.

## **CURRENT SITUATION:**

Township Planning Staff have identified a number of issues that need to be addressed, mostly on a Township wide level. A Draft By-law with these changes can be found at Attachment 1.

Included in the Draft By-law are the following:

- 1) Changes to the regulations of the R2, R3, R4, RM2, RM3 and RM4 zones.
- 2) Changes to definitions including salvage yard and truck transport terminal.
- 3) Adding truck terminal and Industrial use as a permitted use.
- 4) Minor Secondary Suite revisions.

A report from GSP group is attached to this report that recommends some of the changes.

## **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report as this application for Zoning Amendment is being initiated by the Township of West Lincoln. The approval timelines of Bills 109 and 23 do not apply. Under Bill 109, the *More Homes for Everyone Act, 2022*, starting on July 1<sup>st</sup>, 2023, the municipality is now required to provide fee refunds for Planning Act Applications if decisions are not made within the required Planning Act timelines.

**INTER-DEPARTMENTAL COMMENTS:**

Notice of the proposed changes to the Township of West Lincoln Zoning By-law will be circulated in the local newspaper. Additionally, the notice will be posted on the Township website and circulated to agencies and departments. Notice would also be mailed to property owners should there be any site specific zone changes proposed, which there are none at this time.

Prior to the public meeting staff will hope to have received comments from the public. The Township will also include any formal comments from agencies or departments.

**CONCLUSION:**

Staff recommend the attached draft by-law be provided to the public for information and comment. Staff will then prepare and present a recommendation report to committee for the Housekeeping round 7 Zoning Bylaw Amendment as initiated by the Township of West Lincoln at a future meeting.

**ATTACHMENTS:**

1. Draft Zoning Amendment Bylaw for Public Consideration
2. GSP Reporting letter

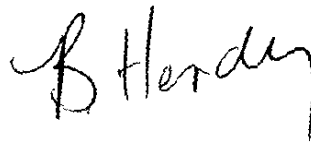
**Prepared & Submitted by:**



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**Brian Treble**  
**Director of Planning & Building**

**Approved by:**



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**Bev Hendry**  
**CAO**

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2023-XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990, AS AMENDED;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. THAT, Part 2 “Definitions” of Zoning Bylaw 2017-70 as amended, is hereby amended by deleting the Definition of Salvage Yard and replacing with the following:

Salvage Yard – means a salvage and recycling use in which junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house-wrecking yards, and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment. A “salvage yard” **may include an outdoor storage use** but shall not be construed to include such activity when conducted entirely within an enclosed building. Pawnshops and establishments for the sale, purchase, or storage of used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations, are also not a salvage yard.

2. THAT, Part 2 “Definitions” of Zoning Bylaw 2017-70 as amended, is hereby amended by adding a new definition of Truck Transport Terminal, as follows:

**Truck Transport Terminal – Means the use of land, buildings or structures or portion thereof where commercial vehicles, primary transport trucks, are kept for hire, rental or lease, or stored or parked for remuneration, or from which commercial vehicles or transport trucks are dispatched for hire as common carriers.**

3. THAT, Part 8 “Employment Zones” of Zoning Bylaw 2017-70 as amended, is hereby amended by adding Industrial Use as a permitted use in the M1 zone and by adding Truck Transport Terminal as a permitted use in M1 and M2 Zones.

Table 18: Permitted Uses in Employment Zones (By-law No. 2022-67)

Uses	Zones where Permitted		
<b>Principal Uses</b>			
Animal shelter	M1		
Commercial kennel	M1		
Commercial school	M1		
Communications establishment		M2	
Contractors establishment		M2	
Dry cleaning/laundry establishment	M1		
Industrial use	<b>M1</b>	M2	
Mineral aggregate operation			M3
Motor vehicle body shop		M2	

Uses	Zones where Permitted		
Office, including a medical office	M1		
Pet care establishment	M1		
Recreation facility	M1		
Service shop		M2	
Studio	M1		
Truck Transport Terminal	M1	M2	
Veterinary clinic	M1		
Wayside pit or quarry (see s. 3.27)	M1	M2	M3
Accessory Uses <sup>(1)</sup>			
Accessory buildings or structures and accessory uses (see s. 3.1)	M1 <sup>(1)</sup>	M2 <sup>(1)</sup>	M3 <sup>(1)</sup>
Office		M2 <sup>(1)</sup>	
Outside storage	M1 <sup>(1)</sup>	M2 <sup>(1)</sup>	M3 <sup>(1)</sup>
Renewable energy system (see s. 3.15)	M1 <sup>(1)</sup>	M2 <sup>(1)</sup>	M3 <sup>(1)</sup>
Retail store	M1 <sup>(1)</sup>	M2 <sup>(1)</sup>	M3 <sup>(1)</sup>

4. THAT Part 3 “General Provisions” of Zoning Bylaw 2017-70 as amended, is hereby amended by deleting *Article 3.2.1 – Accessory Dwelling Units* and replacing with the following:

**3.2.1 Accessory Dwelling Units**

The following regulations apply to *accessory dwelling units*:

- a) *Accessory dwelling units* shall be located within a *main building* containing an *existing principal use*, or within a *residential accessory building*, on a *lot* where both the *principal use* and an *accessory dwelling unit* are permitted by the applicable zone above the ground floor and remain a secondary use to the *accessory building*. (Bylaw 2018-61) An area of no greater than 10 square metres on the ground floor is permitted to be used for entrance purposes to the above ground floor accessory dwelling unit. (Bylaw 2020-97)
- b) A maximum of **two (2)** *accessory dwelling unit* is permitted on a *lot*, except where permitted otherwise by the applicable zone.
- c) *Accessory dwelling units* shall comply with the regulations of the applicable zone.
- d) A *main building* that is used for an *accessory dwelling unit* shall comply with the regulations of the applicable zone.
- e) On a *lot* that is not serviced by municipal sewage services and/or municipal water services, *accessory dwelling units* shall not be permitted unless the *lot* has a minimum *lot area* of 0.4 hectare and the private sewage services and/or private water services are approved for the *lot* with adequate capacity for the *accessory dwelling units* and any other uses on the *lot*. **Accessory dwelling units shall not be may only be permitted to have separate septic systems in extenuating circumstances.** (By-law 2021-70).
- f) **Notwithstanding Section 3.12,** Parking for *accessory dwelling units* shall be provided in accordance with Section 3.12 **not be required to provide more than one space per accessory unit.**
- g) Where permitted in a ~~Residential Zone~~, or as an *accessory use* to a *dwelling* that is permitted as a *principal use* in any other **non-**

**residential** zone, an **one** accessory dwelling unit shall be **permitted** in accordance with the following additional regulations:

- i. An accessory dwelling unit shall be located within a single detached dwelling, semi-detached dwelling or an accessory building on the same lot as a single detached dwelling or semi-detached dwelling;
  - ii. An accessory dwelling unit shall have a minimum floor area of 40 square metres and a maximum floor area of the lesser of 100 square metres or 40% of the floor area of the main building. For the purposes of this Subsection, the floor area shall include all area within a basement but shall not include a private garage or attic. (Bylaw 2018-61)
  - iii. An accessory building that is used for an accessory dwelling unit shall comply with the requirements of Section 3.1, except that the maximum height of an accessory building that contains an accessory dwelling unit above the first storey shall be 8 metres;
  - iv. The residential appearance and character of the dwelling as a single detached dwelling or semi-detached dwelling shall be maintained, and any separate entrance and exit for the accessory dwelling unit shall be oriented toward the exterior side lot line, interior side lot line, or rear lot line, and not located on the front façade of the dwelling. (By-law 2019-63)
  - v. An accessory dwelling unit shall not be permitted on a lot that is used for a bed and breakfast establishment, boarding or rooming house, garden suite or group home.
  - vi. A home occupation shall not be permitted within the accessory dwelling unit.
  - vii. For the purposes of satisfying the required parking for an accessory dwelling unit, tandem parking shall be permitted within a permitted parking area or driveway, including a driveway in a required front yard that has a minimum depth of 6m.
  - viii. Access to the required parking for the accessory dwelling unit shall be provided from the same driveway that provides access to the primary dwelling unit on the lot. (Bylaw 2018-61)
- h) Where permitted in a Commercial Zone, an accessory dwelling unit is only permitted within the same building as a permitted art gallery, commercial school, dry cleaning/laundry depot, financial institution, office including a medical office, personal service shop, private club, restaurant, retail store, service shop or studio, and shall be located above the first storey of the commercial building.

5. THAT, Table 15 within Part 6 – Residential Zones, Subsection 6.3 - Regulations of Zoning Bylaw 2017-70 as amended, is hereby amended by deleting **Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones** and replacing with the following **Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones**:

**Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones**  
(Bylaw 2021-94)

Regulation					Zone Requirements	
		RM1	RM2	RM3	RM4	RH
Minimum lot area (per dwelling unit)	Apartment dwelling	-		160m <sup>2</sup>		100m <sup>2</sup>
	Duplex dwelling	-	250m <sup>2</sup>		-	
	Fourplex dwelling	-	220m <sup>2</sup>	180m <sup>2</sup>	-	-
	Retirement home	-				120m <sup>2</sup>
	Semi-detached dwelling <sup>(1)</sup>	270m <sup>2</sup>	200 m <sup>2</sup>		-	-
	Stacked townhouse dwelling	-	-	160m <sup>2</sup>		-



Regulation					Zone Requirements	
		RM1	RM2	RM3	RM4	RH
	Back to back townhouse dwelling <sup>(7)</sup>	-	-	-	75m <sup>2</sup>	-
	Street townhouse dwelling	225m <sup>2</sup>	180m <sup>2</sup>			-
	Townhouse dwelling	-	180m <sup>2</sup>	180m <sup>2</sup>		-
	Triplex dwelling	-	220m <sup>2</sup>	180m <sup>2</sup>		-
Minimum lot frontage <sup>(2)</sup>	Apartment dwelling	-		30m		
	Duplex dwelling	-	15m		-	
	Fourplex dwelling	-	25m			-
	Retirement home	-				30m
	Semi-detached dwelling <sup>(1)</sup>	9m/unit	8m/unit			-
	Stacked townhouse dwelling	-	-	30m		-
	Back to back townhouse dwelling	-	-	-	5.5m/unit	
	Street townhouse dwelling	7.5m/unit	6m/unit			-
	Townhouse dwelling	-	30m			-
	Triplex dwelling	-	20m	18m		-
Minimum front yard	Dwelling	4.5m				7.5m
	Private garage	6m				
Minimum exterior side yard		3m				Greater of 50% of building height or 3m
Minimum interior side yard	Adjoining a lot in a low density residential zone	3m <sup>(3)</sup>				
	Adjoining a lot in any other zone	1.2m <sup>(3)</sup>				3m
Minimum rear yard <sup>(4)</sup>	Adjoining a lot in a low density residential zone	7.5m			7.5m	7.5m
	Adjoining a lot in any other zone	6m			6m	6m
Maximum lot coverage		40%	40%		40%	50%
Minimum separation distance between dwellings on the same lot	Between exterior side walls	-	3m			
	Between exterior front or rear walls		12m			
	Between exterior front or rear walls and side walls		7.5m			
Maximum height		10m	10m	12m	15m	
Minimum landscaped open space		25%			25%	
Minimum amenity area <sup>(5)(6)</sup>	Dwelling with 3 or 4 dwelling units on one lot	-	20m <sup>2</sup> per dwelling unit			
	Dwelling with 5 to 8 dwelling units on one lot		40m <sup>2</sup> plus 10m <sup>2</sup> per dwelling unit			
	Dwelling with 9 or more dwelling units on one lot		40m <sup>2</sup> plus 5m <sup>2</sup> per dwelling unit		40m <sup>2</sup> plus 10m <sup>2</sup> per dwelling unit	80m <sup>2</sup> plus 10m <sup>2</sup> per dwelling unit

<sup>(1)</sup>Where semi-detached dwellings are located in the RM2 or RM3 zone, the dwelling units shall be located on lands within a Registered Plan of Condominium or shall be tied to a common elements condominium private street.

<sup>(2)</sup> Where multiple attached dwellings are located on the same lot in the RM2 or RM3 Zone, including more than one type of attached dwelling, the minimum lot frontage requirement of the RM2 or RM3 zone, as applicable, shall be 30 metres in the case of a lot that contains one or more fourplex and/or townhouse dwelling and/or stacked townhouse dwelling, 45 metres in the case of back-to-back townhouse dwelling, and 20 metres in all other cases, and shall apply to the entire lot. For semi-detached dwellings where each unit is located on a separate lot, and for street townhouse dwellings, each lot shall meet the prescribed minimum lot frontage.

<sup>(3)</sup>Where each dwelling unit of a semi-detached dwelling is located on a separate lot, and for street townhouse dwellings, no interior side yard shall be required along the common lot line of the attached wall joining two dwelling units.

<sup>(4)</sup> ~~No rear yard is required for a back to back townhouse dwelling.~~ Where each dwelling unit of a Back to Back townhouse dwelling is located on a separate lot and not part of a condominium; no rear yard and interior side yard shall be required along the common lot line of the attached wall joining two dwelling units.

<sup>(5)</sup> No common outdoor amenity area provided at grade shall have an area less than 60m<sup>2</sup>. Limit the mass of 4th floor

to 75-80% of the third floor to allow for building articulation, step-back, and sunlight.

<sup>(6)</sup> Each unit in a back to back townhouse development shall contain an individual balcony with an area of 5.5 m<sup>2</sup>, separated from adjoining units by a wall or privacy screen and with a maximum projection of 1.8m from the front wall of the back to back townhouse building.

<sup>(7)</sup> For stacked back to back units, minimum lot area per unit shall not be less than 50m<sup>2</sup> per unit.

6. THAT, all other provisions of By-law 2017-70 continue to apply.
7. THAT, the Clerk of the Township of West Lincoln is hereby authorized to effect any minor modifications or corrections to the By-law of a descriptive, numerical or grammatical nature as may be deemed necessary after passage of this By-law.
8. THAT, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS XX  
DAY OF XX, 2023.**

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**MAYOR CHERYL GANANN**

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**JESSICA DYSON, CLERK**



**EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2023-XX**

The Township's Comprehensive Zoning By-law 2017-70 was passed by the Council of the Corporation of the Township of West Lincoln on June 26, 2017. This By-law amends Zoning By-law 2017-70, as amended, to address issues that have become apparent during its first few years of implementation.

A Public Meeting was held on XX and XX member of the public provided oral comments. XX written comments was additionally received from property owners. No other public comments were received. All comments received were evaluated by staff and Council through their decision.

File: 1601-XXX-XX

Township of West Lincoln

DRAFT



SHAPING GREAT COMMUNITIES

**To:** Gerrit Boerema

**Date:** Feb. 28, 2022

**From:** Kshitiz Jaswal, GSP Group

**File No.:** 23025

**Re:** **Zoning Bylaw Review – Residential Medium and High Density  
The Township of West Lincoln**

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As per your request, I am providing you my review of the Zoning Bylaw regulations for Residential Medium and High-Density zones.

To conduct the review, development scenarios were created, pertaining to each dwelling type as identified in the draft zoning by-law, to test the applicable zoning regulations. The scenarios were tested to evaluate the maximum built form of a dwelling type can be achieved with the application of zoning regulations. Following were the criteria of the analysis:

1. Evaluate if the zoning regulations are flexible enough to allow for different massing, architectural styles, and adequate GFA for a dwelling type.
2. Evaluate scenarios where zoning regulation may allow for over-building or under-building for a dwelling type while conforming to zoning by-law.
3. Evaluate if the resulting built form reflect the Official Plan residential policies and Urban Design manual guidelines.

Following is summary of the review and recommendations:

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

72 Victoria Street South, Suite 201, Kitchener, ON N2G 4Y9 519 569 8883  
162 Locke Street South, Suite 200, Hamilton, ON L8P 4A9 905 572 7477  
gspgroup.ca

### **Semi-Detached Dwelling:**

RM1 Zone: Zoning bylaw regulations performed well in the three criteria's and allowed for built form flexibility with space for landscaping and amenity area.

#### **Recommendations:**

The maximum lot coverage can be reduced to 40%, to control over building and without meaning fully impacting the building GFA.

RM2 and RM3 Zone: Zoning bylaw regulations allowed for built form flexibility but can allow over building for this dwelling type. Potential to build a semi-detached with 3 storeys + basement + attic roof. Bringing the height from avg. grade to top of pitched roof ~14m (or 5 storeys). That is too tall for a semi-detached dwelling type.

#### **Recommendations:**

Reduce the maximum height to 10m (3 Storeys).

### **Duplex Dwelling:**

RM2 Zone: Potential to build ~4,500 SF/unit (including basement) with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations. This can result in very large building volume and scale for a duplex dwelling. A duplex dwelling is similar to semi-detached in scale and size.

#### **Recommendations:**

Reduce the maximum height to 10m (3 Storeys), Min. Frontage can be reduced to 15m and/or reducing maximum lot coverage to 40%, and minimum landscape space to 25% to avoid scenarios where majority of lot is used for surface parking.

### **Fourplex Dwelling:**

RM2 Zone: With attached garage, potential to build ~4,700 SF/unit with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations.

RM3 Zone : With attached garage, potential to build ~3,400 SF/unit with flat roof and ~3,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations. With surface parking, potential to build ~2,000 SF/unit with flat roof.

This can result in very large building volume and scale for a four-plex dwelling. A four-plex dwelling, when stacked horizontally, is similar to Street Towns/Block Towns in scale and size.

#### **Recommendations:**

Recommend reducing the maximum height to 10m (3 Storeys), Min. lot frontage to 25m, minimum landscape 25%, and lot coverage to 40%. Lot area in RM2 zone for fourplex dwelling can go down to 220 SM/unit.

**Triplex Dwelling:**

RM2 and RM3 Zone: With attached garage, potential to build ~4,500 SF/unit with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations. With the 50% lot coverage and min. lot area requirement, it results in a 14.5 m rear yard setback (RM2 zone). Which proves that minimum lot area regulation can result in inefficient use of land. Similar to Four-plex Dwelling, 12 m height can result in very large building volume and scale for a triplex dwelling.

**Recommendations:**

Reducing the maximum height to 10m (3 Storeys), minimum landscape 25%, minimum lot area to reduce to 220SM/ unit for RM2, lot area reduced to 180 SM/unit for RM3, and lot coverage to 40%.

**Street Townhouse Dwelling:**

RM1, RM2, and RM3 Zone: Zoning bylaw regulations performed well in the three criteria's and allowed for built form flexibility with space for landscaping and amenity area.

**Recommendations:**

Reduce the maximum height to 10m (or 3 storey) for RM2 and RM3 zone to create a scale differentiation between the Stack townhouses and Back-to-Back townhouses, to reflect OP height policies. Given the large lot areas and the definition of "Height", 3 storey is more than adequate for a townhouse dwelling.

**Townhouse Dwelling:**

RM2 and RM3 Zone: Zoning bylaw regulations performed well in the three criteria's and allowed for built form flexibility with space for landscaping and amenity area.

**Recommendations:**

Lot area for Townhouse in RM2 zone is inconsistent with the Street Townhouse in the same zone. Give the same scale of dwelling type, I would recommend reducing it to 180 SM.

Since this type of dwelling will usually be part of a condominium, I would recommend adding a minimum 25% landscape open space requirement.

**Stacked Townhouse Dwelling:**

RM3 and RM4 Zone: RM3 zone regulations generally performed well in the three criteria. Stacked Townhouse dwellings, permitted in RM4 zone, have no regulation pertaining to lot area, lot frontage, lot coverage, and rear yard. That can create over building scenarios.

**Recommendations:**

For RM4 zone, recommend adding the regulation for min. lot coverage, and rear yard to avoid over building and protect low density residential zones.

For RM3 zone, currently there is no minimum landscape, and amenity area requirement. I would recommend adding the minimum landscape requirement of 25% and minimum amenity area requirement for the sub section "Dwelling with 9 or more dwelling units on one lot".

### **Back-to-Back Townhouse Dwelling:**

RM4 Zone: Back-to-Back townhouse generally performed well with the zoning regulations. Although, the zoning regulations for stacked Back-to-Back townhouse can result in under building scenarios or in-efficient use of land.

#### **Recommendations:**

Currently the draft zoning bylaw limits the maximum BTB units to Five (5) BTB unit modules in a row or total Ten (10) dwelling units. This seems low and may cause inefficient use of the land. A townhouse dwelling, which has similar built form are permitted Eight (8) unit modules in a row. I recommend allowing for a minimum of Three (3) BTB unit modules (6 dwelling units) to a maximum of Eight (8) BTB unit modules (16 dwelling units) to provide flexibility and allow for efficient use of land and creating a longer street frontage.

Back-to-back townhouse dwelling have common rear wall, similar to the side walls of townhouse dwelling. Therefore, similar to side yard requirement for townhouses, Back-to-Back Townhouse should have a rear yard requirement when part of a condominium lot (which is common for this dwelling type). Without a rear yard, it could be an issue specially when abutting a lower density land use. A building could be built very close to the lot line while compliant with the Zoning Bylaw. I recommend a Min.7.5m building setback from a rear property line of a condominium lot with the following exception clause:

“(4) Where each dwelling unit of a Back-to-Back townhouse dwelling is located on a separate lot and not part of a condominium, no rear yard, and interior side yard shall be required along the common lot line of the attached wall joining two dwelling units.”

Recommend limiting the mass of 4th floor to 75-80% of the third floor to allow for building articulation, step-back, and sunlight. This can be regulated through urban design guidelines.

Stacked Back-to-Back (ST-BTB) townhouses are comprised of units that are stacked vertically and/or horizontally with access from grade fronting onto a public street, condominium road, pedestrian mews or open space. ST-BTB townhouses cannot be a freehold unit and are legally more similar to Stack townhouses than Back-to-Back townhouses. The min. lot area (75 sqm/unit) works well for a BTB unit but does not seem to work for ST-BTB specially in the case of small to medium sized lots. The built form and massing of the ST-BTB and a BTB are similar, but with the proposed zoning regulation, it will require twice the amount of land to build one block of ST-BTB. This may discourage developers from building ST-BTB as they can build two blocks of BTB instead. I would recommend adding a note in the zoning bylaw that “For Stacked Back-to-Back units, Min. lot area is 50 sqm/unit.”

### **Apartment Dwelling:**

RM3 and RM4 Zone: On a 0.5 Ha lot, 31 units (62 uph) are permitted as per the minimum lot area requirement. A 31-unit apartment building, with large two-bedroom units, can be constructed with 18% lot coverage, 9m height, and meeting/exceeding all other regulations. Even though the minimum lot area regulation seems restrictive, the resulting density and form is in keeping with the official plan medium density policies.

#### **Recommendations:**

I recommend adding minimum rear yard requirement for RM4 zone, and minimum landscape and amenity area for RM3 zone.

RH Zone: On a 0.5 Ha lot, 41 units are permitted as per the minimum lot area requirement. The minimum lot area requirement proves to be very restrictive, especially for Residential High-density zone and allows for a lower density compared to the Back-to-Back townhouse density in RM4 zone (lot area:75 SM/unit).

**Recommendations:**

As the residential high-density zone (RH) is the densest residential zone, I recommend to reduce the minimum lot area requirement to 60 SM to allow for a compact and efficient form of apartment dwelling. (For comparison, City of Brantford has Min. lot area requirement of 50SM for apartments in their residential high-density zone.)

**Additional Notes:**

I recommend crating a separate zoning chart per dwelling type (enclosed) instead of a combined chart for ease of understanding.

I trust the above information is to your satisfaction. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

---

Yours truly,  
**GSP Group**

Kshitiz (Jas) Jaswal, M.Arch., M.Plan.  
Urban Designer

Encl: Review illustrations.



Scenarios to avoid

Over-built massing



Over-built height

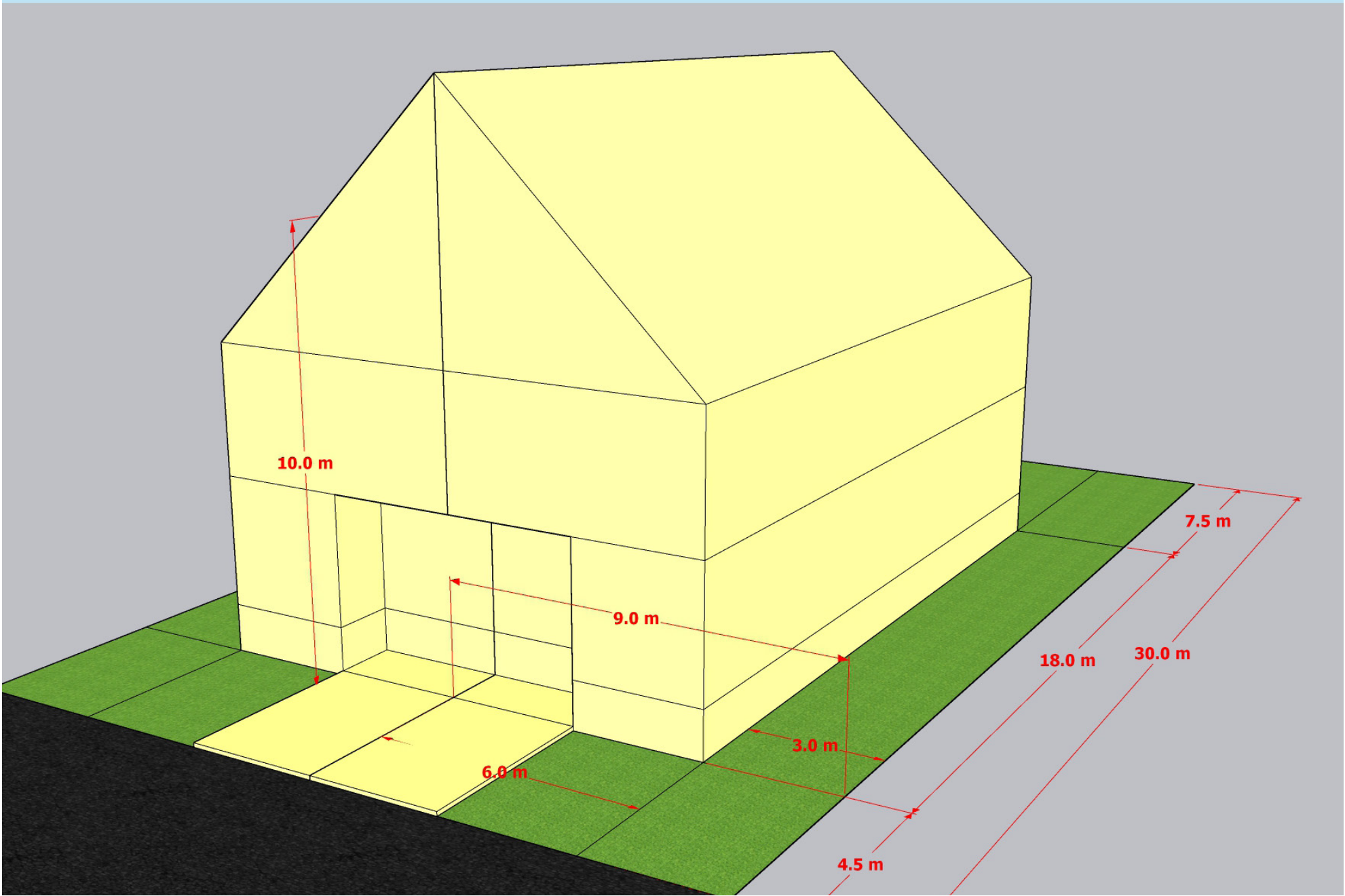


Under-built or In-efficient use of land





Semi-detached dwelling			
Permitted in zones	RM1	RM2	RM3
	X	X	X
Min. Lot Area/Unit	270m2	200 m2	
Min. Lot Frontage	9m/unit	8m/unit	
Min. Front Yard			
Dwelling	4.5m		
	Private Garage		
	6m		
Min.Exterior Side Yard	3m		
Minimum interior side yard			
	Adjoining a lot in a low density residential zone		
	3m(3)		
	Adjoining a lot in any other zone		
Min. rear Yard	1.2m(3)		
	Adjoining a lot in a low density residential zone		
Maximum lot coverage	7.5m		
	6m		
Minimum separation distance between dwellings on the same lot	45%	50%	
	N/A		
Maximum height	N/A		
	N/A		
	N/A		
	N/A		
Minimum landscaped open space			
	10m	12m	
Minimum amenity area (5)(6)			
	N/A		

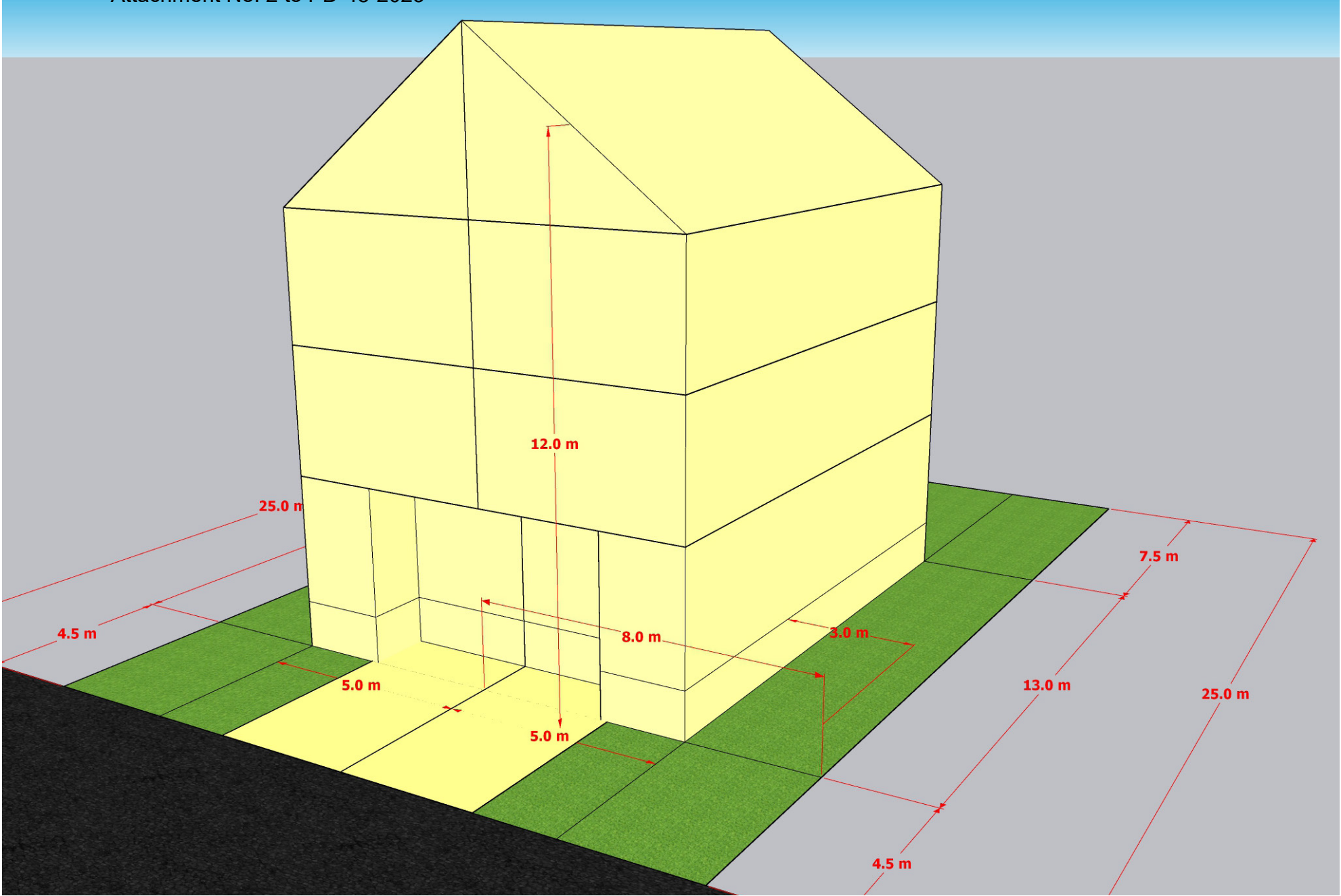


Zone: RM1  
Potential to build ~3,000 SF/unit (including basement & attic), with minimum lot area requirement, **40% lot coverage**, and meeting all other regulations.

1) I would recommend reducing the maximum lot coverage to 40%.



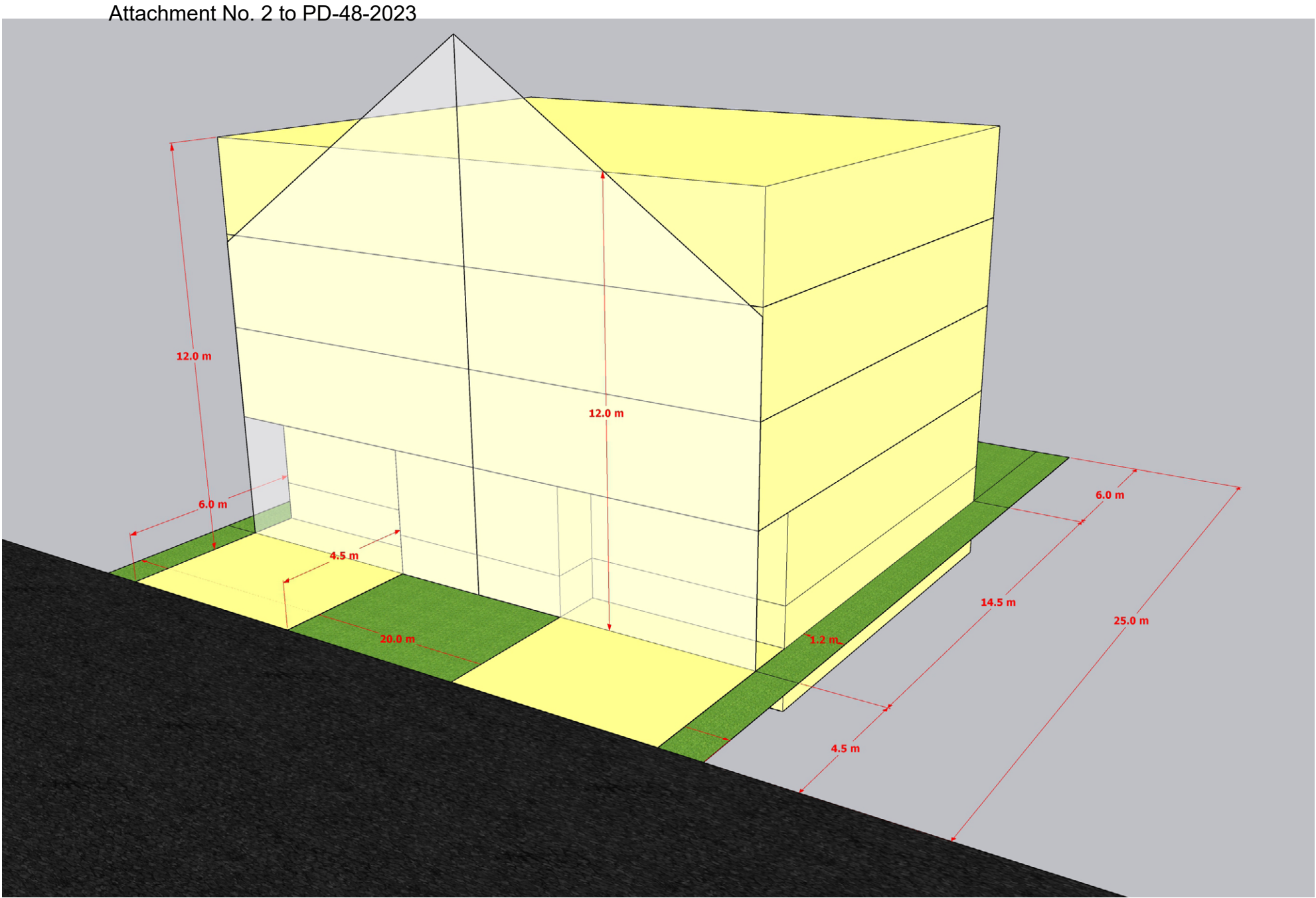
Semi-detached dwelling			
	RM1	RM2	RM3
Permitted in zones	X	X	X
Min. Lot Area/Unit	270m2	200 m2	
Min. Lot Frontage	9m/unit	8m/unit	
Min. Front Yard			
	Dwelling 4.5m		
	Private Garage 6m		
Min.Exterior Side Yard	3m		
Minimum interior side yard			
Adjoining a lot in a low density residential zone	3m(3)		
Adjoining a lot in any other zone	1.2m(3)		
Min. rear Yard			
Adjoining a lot in a low density residential zone	7.5m		
Adjoining a lot in any other zone	6m		
Maximum lot coverage	45%	50%	
Minimum separation distance between dwellings on the same lot	N/A		
Between exterior side walls	N/A		
Between exterior front or rear walls	N/A		
Between exterior front or rear walls and side walls	N/A		
Maximum height	10m	12m	
Minimum landscaped open space	N/A		
Minimum amenity area (5)(6)	N/A		



Zone: RM2 and RM3  
Potential to build ~2,000 SF/unit (including basement), with minimum lot area requirement, **33% lot coverage**, and meeting all other regulations.

1) Potential to build a semi-detached with 3 storey + basement + attic roof. Bringing the height from avg. grade to top of roof ~14m (or 5 storeys). That is too tall for a semi-detached. I would recommend reducing the maximum height to 10m (3 Storeys). With the max. permitted lot coverage of 50%, the reduced height should not have any meaningful impact on the build-able GFA but would tame down the scale of the building.

Duplex dwelling		
	RM1	RM2
Permitted in zones		X
Min. Lot Area/Unit		250m2
Min. Lot Frontage		20m
Min. Front Yard		
	<i>Dwelling</i>	4.5m
	<i>Private Garage</i>	6m
Min.Exterior Side Yard		3m
Minimum interior side yard		
<i>Adjoining a lot in a low density residential zone</i>		3m(3)
<i>Adjoining a lot in any other zone</i>		1.2m(3)
Min. rear Yard		
<i>Adjoining a lot in a low density residential zone</i>		7.5m
<i>Adjoining a lot in any other zone</i>		6m
Maximum lot coverage		50%
Minimum separation distance between dwellings on the same lot		
<i>Between exterior side walls</i>		3m
<i>Between exterior front or rear walls</i>		12m
<i>Between exterior front or rear walls and side walls</i>		7.5m
Maximum height		12m
Minimum landscaped open space		N/A
Minimum amenity area (5)(6)		N/A

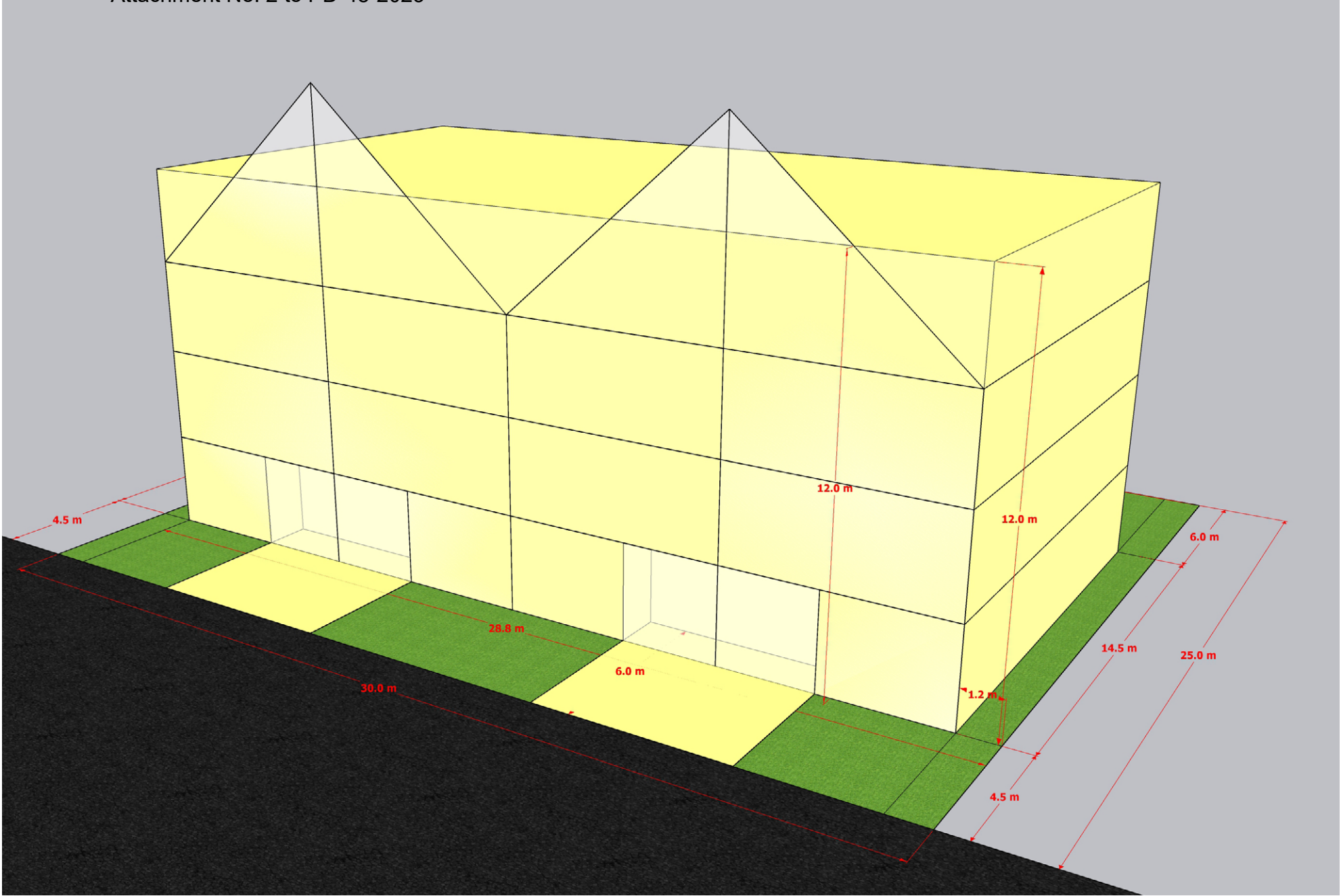


Zone: RM2  
 Potential to build ~4,500 SF/unit (including basement) with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations.

1) This can result in very large building volume and scale for a duplex dwelling. A duplex dwelling is similar to semi-detached in scale and size. I would recommend reducing the maximum height to 10m (3 Storeys), Min. Frontage can be reduced to 15m and/or reducing maximum lot coverage to 40%, and minimum landscape space to 25%.



Fourplex dwelling			
	RM1	RM2	RM3
Permitted in zones		X	X
Min. Lot Area/Unit		250m2	180m2
Min. Lot Frontage		30m	
Min. Front Yard			
Dwelling Private Garage		4.5m	
		6m	
Min.Exterior Side Yard		3m	
Minimum interior side yard			
Adjoining a lot in a low density residential zone		3m(3)	
Adjoining a lot in any other zone		1.2m(3)	
Min. rear Yard			
Adjoining a lot in a low density residential zone		7.5m	
Adjoining a lot in any other zone		6m	
Maximum lot coverage		50%	
Minimum separation distance between dwellings on the same lot			
Between exterior side walls		3m	
Between exterior front or rear walls		12m	
Between exterior front or rear walls and side walls		7.5m	
Maximum height		12m	
Minimum landscaped open space		N/A	
Minimum amenity area (5)(6)		20 m2/unit	

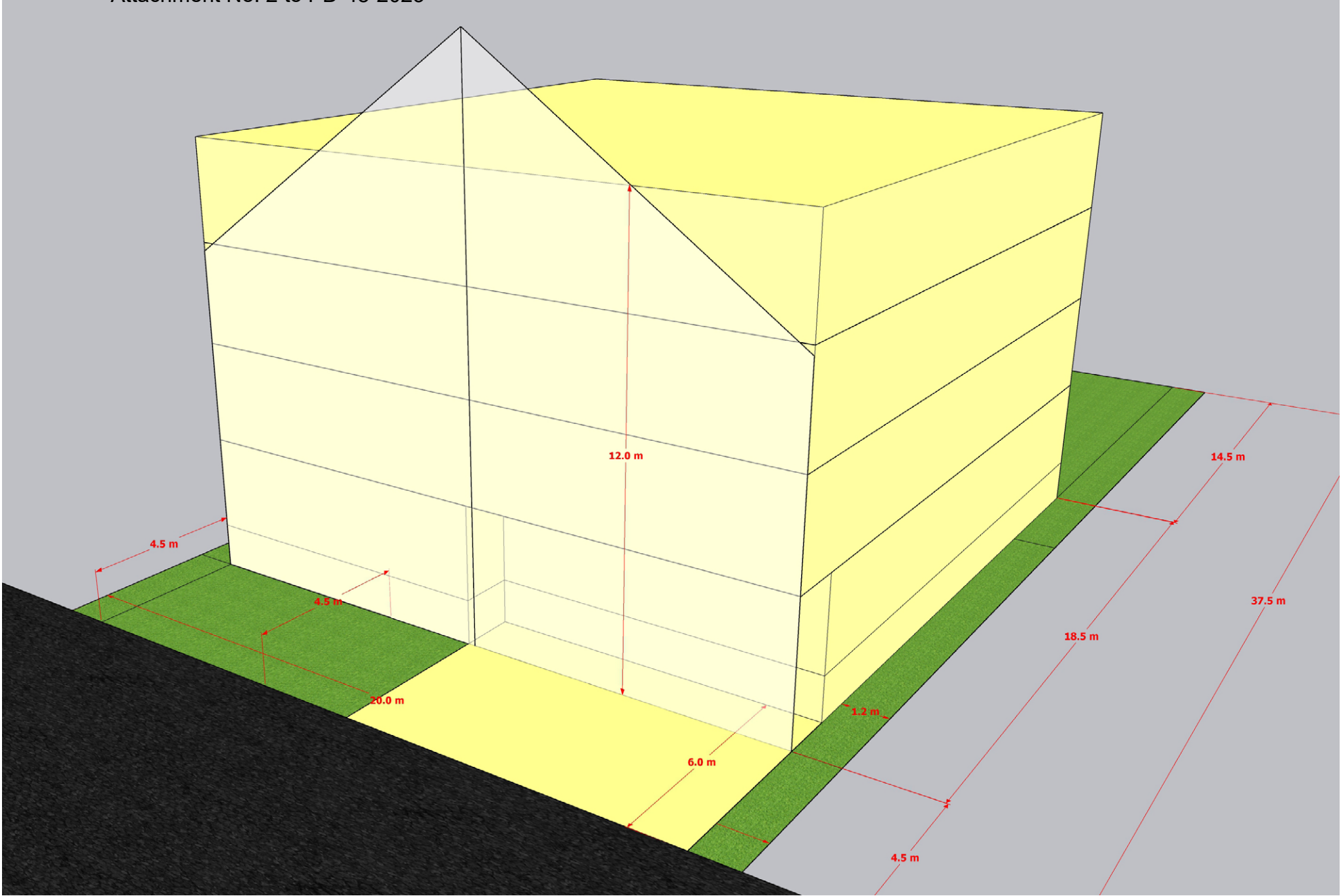


Zone: RM2  
With attached garage, potential to build ~4,700 SF/unit with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations.

Zone: RM3 (illustrated in the graphic above)  
With attached garage, potential to build ~3,400 SF/unit with flat roof and ~3,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations. With surface parking, potential to build ~2,000 SF/unit with flat roof.

1) This can result in very large building volume and scale for a four-plex dwelling. A four-plex dwelling, when stacked horizontally, is similar to Street Towns/Block Towns in scale and size. I would recommend reducing the maximum height to 10m (3 Storeys), Min. lot frontage to 25m, minimum landscape 25%, and lot coverage to 40%. Lot area in RM2 zone for fourplex can go down to 220 SM/unit.

Triplex dwelling			
	RM1	RM2	RM3
Permitted in zones		X	X
Min. Lot Area/Unit		250m2	200m2
Min. Lot Frontage		20m	18m
Min. Front Yard			
Dwelling Private Garage		4.5m	
		6m	
Min.Exterior Side Yard		3m	
Minimum interior side yard			
Adjoining a lot in a low density residential zone		3m(3)	
Adjoining a lot in any other zone		1.2m(3)	
Min. rear Yard			
Adjoining a lot in a low density residential zone		7.5m	
Adjoining a lot in any other zone		6m	
Maximum lot coverage		50%	
Minimum separation distance between dwellings on the same lot			
Between exterior side walls		3m	
Between exterior front or rear walls		12m	
Between exterior front or rear walls and side walls		7.5m	
Maximum height		12m	
Minimum landscaped open space		N/A	
Minimum amenity area (5)(6)		20 m2/unit	



Zone: RM2 & RM3  
With attached garage, potential to build ~4,500 SF/unit with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations. With the 50% lot coverage and min. lot area requirement, it results in a 14.5 m rear yard setback (RM2 zone).

1) Similar to Four-plex Dwelling, this can result in very large building volume and scale for a triplex dwelling. A triplex dwelling, is similar to Street Towns/Block Towns in scale and size. I would recommend reducing the maximum height to 10m (3 Storeys), minimum landscape 25%, minimum lot area to reduced to 220SM/ unit for RM2, lot area reduced to 180 SM/unit for RM3, and lot coverage to 40%.

Street townhouse dwelling			
	RM1	RM2	RM3
Permitted in zones	X	X	X
Min. Lot Area/Unit	225m2	180m2	
Min. Lot Frontage	7.5m/unit	6m/unit	
Min. Front Yard			
	Dwelling 4.5m		
	Private Garage 6m		
Min.Exterior Side Yard	3m		
Minimum interior side yard			
Adjoining a lot in a low density residential zone	3m(3)		
Adjoining a lot in any other zone	1.2m(3)		
Min. rear Yard			
Adjoining a lot in a low density residential zone	7.5m		
Adjoining a lot in any other zone	6m		
Maximum lot coverage	45%	50%	
Minimum separation distance between dwellings on the same lot			
Between exterior side walls	N/A	3m	
Between exterior front or rear walls	N/A	12m	
Between exterior front or rear walls and side walls	N/A	7.5m	
Maximum height	10m	12m	
Minimum landscaped open space	N/A	N/A	
Minimum amenity area (5)(6)	N/A	40m2 plus 10m2 per	

Townhouse dwelling			
	RM1	RM2	RM3
Permitted in zones		X	X
Min. Lot Area/Unit		200m2	180m2
Min. Lot Frontage		30m	
Min. Front Yard			
	Dwelling 4.5m		
	Private Garage 6m		
Min.Exterior Side Yard		3m	
Minimum interior side yard			
Adjoining a lot in a low density residential zone		3m(3)	
Adjoining a lot in any other zone		1.2m(3)	
Min. rear Yard			
Adjoining a lot in a low density residential zone		7.5m	
Adjoining a lot in any other zone		6m	
Maximum lot coverage		50%	
Minimum separation distance between dwellings on the same lot			
Between exterior side walls		3m	
Between exterior front or rear walls		12m	
Between exterior front or rear walls and side walls		7.5m	
Maximum height		12m	
Minimum landscaped open space		N/A	
Minimum amenity area (5)(6)		40m2 plus 10m2 per	

Street Townhouse Dwelling

The regulations will generally result in a good built form.  
1) Only recommendation would be to reduce the maximum height to 10m (or 3 storey) for RM2 and RM3 zone to create a scale differentiation between the Townhouses and Stack/Back to Back townhouses and to reflect OP height policies. Given the large lot areas and the definition of Height, 3 storey is more than adequate for a townhouse dwelling.

Townhouse Dwelling

1) Same comment as above.  
2) Lot area for Townhouse in RM2 zone is inconsistent with the Street Townhouse in the same zone. Give the scale of dwelling type, I would recommend to reduce it to 180 SM.  
3) Since this type of dwelling will usually be part of a condominium, I would recommend adding a minimum 25% landscape open space requirement.



Stacked townhouse dwelling

	RM1	RM2	RM3	RM4
Permitted in zones			X	X
Min. Lot Area/Unit			160m2	N/A
Min. Lot Frontage			30m	N/A
Min. Front Yard				
			4.5m	
			6m	
Min.Exterior Side Yard			3m	
Minimum interior side yard				
			3m(3)	
			1.2m(3)	
Min. rear Yard				
			7.5m	N/A
			6m	N/A
Maximum lot coverage			50%	N/A
Minimum separation distance				
between dwellings on the same lot			3m	
			12m	
			7.5m	
Maximum height			12m	
Minimum landscaped open space			N/A	25%
Minimum amenity area (5)(6)			-	40m2 plus 15m2 per

Attachment No. 2 to PD-48-2023  
Stacked Townhouse

Stacked Townhouse dwellings are permitted in RM4 zone and have no regulation pertaining to lot area, lot frontage, lot coverage, and rear yard. I would recommend adding the regulation for min. lot coverage, and rear yard to avoid over building and protect low density residential zones.

For Stack Towns in RM3 zone, currently there is no minimum landscape, and amenity area requirement. I would recommend adding the minimum landscape requirement of 25% and minimum amenity area requirement for the sub section “*Dwelling with 9 or more dwelling units on one lot*”.

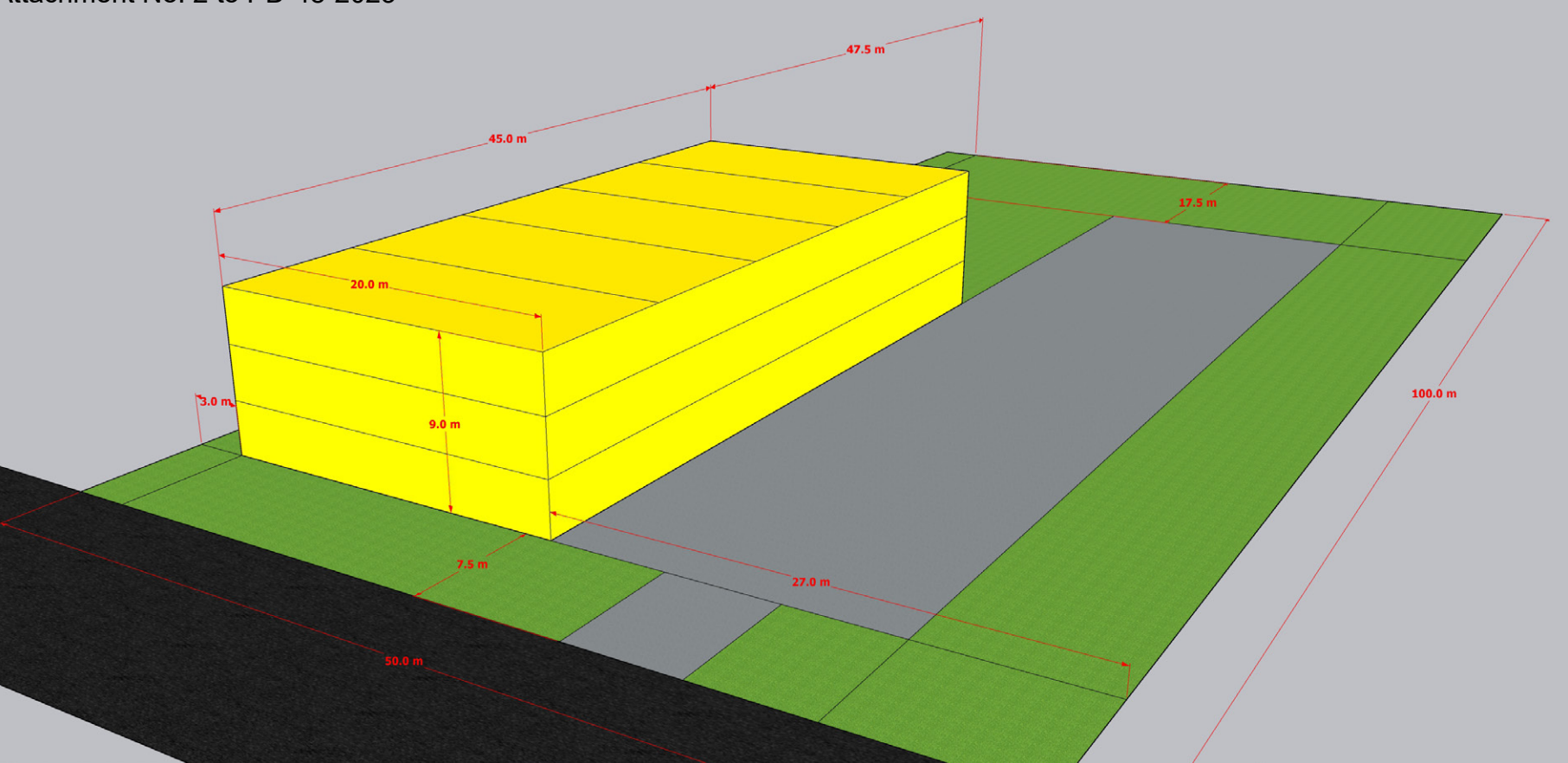
Back to Back townhouse dwelling				
	RM1	RM2	RM3	RM4
Permitted in zones				X
Min. Lot Area/Unit				75m2
Min. Lot Frontage				5.5m/unit
Min. Front Yard				
				4.5m
				6m
Min.Exterior Side Yard				3m
Minimum interior side yard				
<i>Adjoining a lot in a low density residential zone</i>				3m(3)
<i>Adjoining a lot in any other zone</i>				1.2m(3)
Min. rear Yard				
<i>Adjoining a lot in a low density residential zone</i>				N/A
<i>Adjoining a lot in any other zone</i>				N/A
Maximum lot coverage				N/A
Minimum separation distance between dwellings on the same lot				
<i>Between exterior side walls</i>				3m
<i>Between exterior front or rear walls</i>				12m
<i>Between exterior front or rear walls and side walls</i>				7.5m
Maximum height				12m
Minimum landscaped open space				25%
Minimum amenity area (5)(6)				40m2 plus 15m2 per



Back to Back Townhouse

- 1) In the definition “a maximum of 10 Dwelling units” are we limiting maximum units in a row to 5 units which seems less to make efficient use of the land and compared to 8 units in a Townhouse which has a similar massing and lot area. I would recommend changing this to a minimum of 3 (6 BTB units) and a maximum of 8 Unit (16 BTB units) modules in a row.
- 2) Back to back townhouse dwelling have common rear wall, similar to the side walls of townhouse dwelling. Therefore, similar to side yard requirement for townhouses, Back to Back Townhouse should have a rear yard requirement when part of a condominium lot (which is common for this dwelling type) with the following exception clause:  
“(4) Where each dwelling unit of a Back to Back townhouse dwelling is located on a separate lot, no rear yard, and interior side yard shall be required along the common lot line of the attached wall joining two dwelling units. Excluding Stacked Back to Back townhouse dwelling.”  
Without a rear yard, it could be an issue specially when abutting a lower density land use. A building could be built very close to the lot line while compliant with the Zoning Bylaw. I would recommend a Min.7.5m building setback from a rear property line.
- 3) I would recommend limiting the mass of 4th floor to 75-80% of the third floor to allow for building articulation, step-back, and sunlight. This can regulated through urban design guidelines.

Apartment dwelling					
	RM1	RM2	RM3	RM4	RH
Permitted in zones			X	X	X
Min. Lot Area/Unit			160m2	120m2	
Min. Lot Frontage			N/A	30m	
Min. Front Yard					
	Dwelling		4.5m	7.5m	
	Private Garage		6m		
Min.Exterior Side Yard			3m	Greater of 50% of building height or 3m	
Minimum interior side yard					
			3m(3)	Greater of 50% of building height or 3m	
			1.2m(3)	3m	
Min. rear Yard					
			7.5m	N/A	7.5m
			6m	N/A	6m
			50%	N/A	50%
Maximum lot coverage					
Minimum separation distance between dwellings on the same lot					
			3m		
			12m		
			7.5m		
Maximum height			12m	15m	
Minimum landscaped open space				25%	
Minimum amenity area (5)(6)				40m2 plus 15m2 per	80m2 plus 5.5m2 per



Apartment Dwelling

RM3 and RM4 Zone: On a 0.5 Ha lot, 31 units (62 uph) are permitted as per the minimum lot area requirement. A 31 unit apartment building (shown above), with large two-bedroom units, can be constructed with **18% lot coverage, 9m height**, and meeting/exceeding all other regulations. Even though the minimum lot area regulation proves to be the most restrictive, the resulting density and form is in keeping with the official plan medium density policies.

1) I would recommend adding minimum rear yard requirement for RM4 zone, and minimum landscape and amenity area for RM3 zone.

RH Zone: On a 0.5 Ha lot, 41 units are permitted as per the minimum lot area requirement. The minimum lot area requirement proves to be very restrictive for this zone and allows for lower density compared to the Back to Back townhouse density in RM4 zone (*lot area:75 SM/unit*).

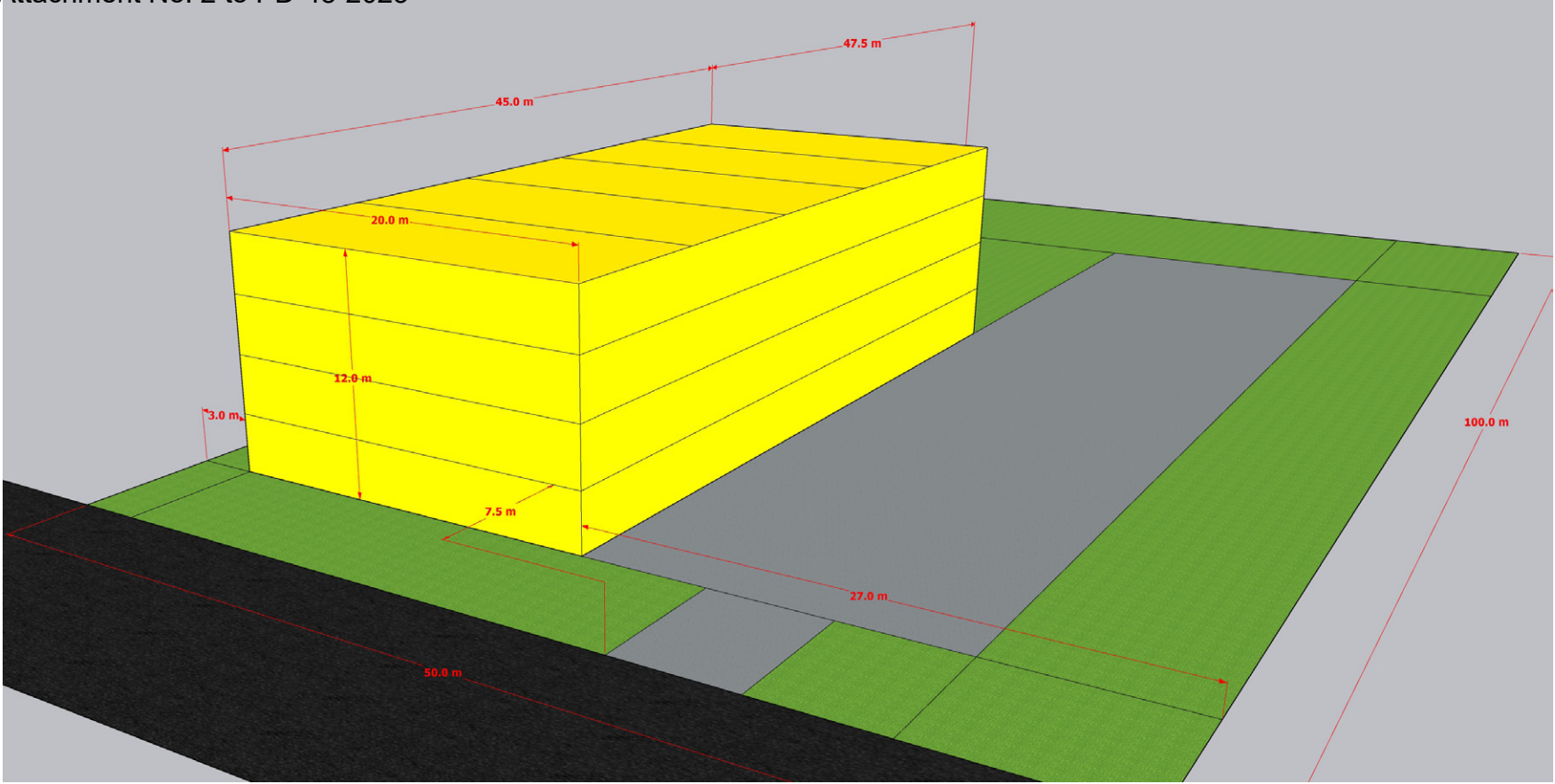
1) As the residential high density zone (RH) is the densest form of dwelling, I would recommend to reduce the minimum lot area requirement to 60 SM to allow for a compact and efficient form of apartment dwelling. (*For comparison, City of Brantford has Min. lot area requirement of 50SM for apartments in their residential high density zone.*)



Retirement home

	RM1	RM2	RM3	RM4	RH
Permitted in zones					X
Min. Lot Area/Unit					120m2
Min. Lot Frontage					30m
Min. Front Yard					7.5m
Min.Exterior Side Yard					Greater of 50% of building height or 3m
Minimum interior side yard					
					Greater of 50% of building height or 3m
					3m
Min. rear Yard					7.5m
					6m
Maximum lot coverage					50%
Minimum separation distance between dwellings on the same lot					
					3m
					12m
					7.5m
Maximum height					15m
Minimum landscaped open space					25%
Minimum amenity area (5)(6)					80m2 plus 5.5m2 per

Attachment No. 2 to PD-48-2023



Retirement Home

RH Zone: Same comment as above.

**DATE:** September 11, 2023

**REPORT NO:** PD-45-2023

**SUBJECT:** **Recommendation Report – Removal of 1995 Development Agreement from Title of Pt Lot 31, Conc 6, Former Township of Gainsborough, now the Township of West Lincoln**

**CONTACT:** Brian Treble, Director of Planning & Building

**OVERVIEW:**

- In 1995, Alberto and Filomena Gallucci owned Pt Lot 31, Conc 6, Former Township of Gainsborough, now Township of West Lincoln, fronting onto the south side of Townline Road with the frontage of about 160.93m (528 ft) within the urban boundary to a depth of 60.96m (200 ft). The remainder uses part of the Agricultural designation.
- Applications for consent were submitted in 1994 and finalized in 1995 (application file no.'s B334/94WL, B335/94WL, B336/94WL, B337/94WL and B338/94WL. One of the conditions of approval of each consent was the signing and registration of a development agreement to address servicing, access and other related matters for these five new residential lots being created.
- A development agreement was signed on June 25, 1995 by the owner and Township (as authorized by By-law 1995-53 and registered on title on July 10, 1995).
- Today, the entirety of the subject lands are within the new urban boundary of Smithville as approved by Official Plan Amendment 62 and are being considered for potential purchase by a developer.
- The developer, as part of their due diligence, has determined that the 1995 agreement was registered against the entire property (including part 6) including the agricultural lands. See attachment 1 to this report.
- It has been requested that the agreement be removed from the Title to Part 6 as it does not relate to those lands. Staff support this request as the former agreement will simply confuse everyone in the future when urban development applications are processed and a new agreement is to be registered against the lands.
- Staff recommend that this report be supported to authorize the Mayor and Clerk to sign a by-law to authorize the release of the 1995 development agreement from the title to Part 6 of Attachment 1, being Parts 1 to 4 on a more recent survey as found at Attachment 2.

### **RECOMMENDATION:**

1. That, Recommendation Report PD-45-2023, regarding “Removal of 1995 Development Agreement from Title of Pt Lot 31, Conc. 6, Former Township of Gainsborough, now the Township of West Lincoln”, dated September 11, 2023, be received; and,
2. That, a fee of \$2,000.00 be accepted as the application fee; and,
3. That, all legal costs for this process be covered by the applicant; and,
4. That, a by-law similar to the Draft By-law found at Attachment 3 to this report, be approved by Council to support the Mayor and Clerk having authority to remove the 1995 Development Agreement (registered on July 10, 1995 as RO697920) from the former retained lands being Pts 1 to 4 on the attached plan of survey affecting Pt Lot 31, Conc. 6 with legal description (Pt of North Half of Lot 31, Conc 6, Gainsborough as in RO818154, Township of West Lincoln (PIN 46077-0291).

### **ALIGNMENT TO STRATEGIC PLAN:**

#### **Theme #2**

- **CHAMPION** strategic and responsible growth

### **BACKGROUND:**

Applications for consent were submitted to the Regional Land Division Committee in 1994 and approved by Regional Land Division Committee on July 11, 1994 with 9 conditions. Conditions which included cash in lieu of parkland, road widening, rezoning, and development agreement as some of the key conditions.

At that time, only the frontage along Townline Road to a depth of 200 ft was considered to be within the urban boundary of Smithville with the remaining retained lands being around 14.6 hectares (36 acres +/-).

At that time, one condition was cleared following registration of a development agreement against title to the severed and retained lands. The retained lands were not in the urban boundary at that time and registration on title caused no concerns.

Now that the retained lands are within the Smithville Urban Boundary, as approved by OPA 62, it is best to remove the agreement from title so as to not cause confusion at the time of development of these lands (Phase 3).

### **CURRENT SITUATION:**

The developer, as part of their due diligence, has determined that the 1995 agreement was registered against the entire property (including part 6). See Attachment 1 to this report.

It has been requested that the agreement be removed from the Title to Part 6 as it does not relate to those lands. Staff support this request as the former agreement will simply confuse everyone in the future urban development and a new agreement are to be registered against the lands.

Staff recommend that this report be supported to authorize the Mayor and Clerk to sign a by-law to authorize the release of the 1995 development agreement from the title to Part 6 of Attachment 1, being Parts 1 to 4 on a more recent survey as found at Attachment 2.

**FINANCIAL IMPLICATIONS:**

An application fee of \$2,000.00 was paid on August 24, 2023 and all legal fees will be covered by the applicant to have the agreement removed from title.

**INTER-DEPARTMENTAL COMMENTS:**

Planning Staff have consulted with the Clerks Department about this report and process.

**CONCLUSION:**

Staff support the request to remove the 1995 Development Agreement from title and recommend that an authorizing by-law be supported by Council to permit the Mayor and Clerk to sign the amending documents for removal of the development agreement from title of the retained lands being PIN 46077-0291.

**ATTACHMENTS:**

1. Severance Sketch, 1995
2. Plan of Survey, October 2022
3. Draft By-law

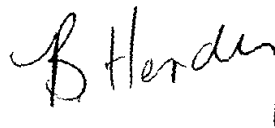
**Prepared & Submitted by:**



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**Brian Treble**  
Director of Planning & Building

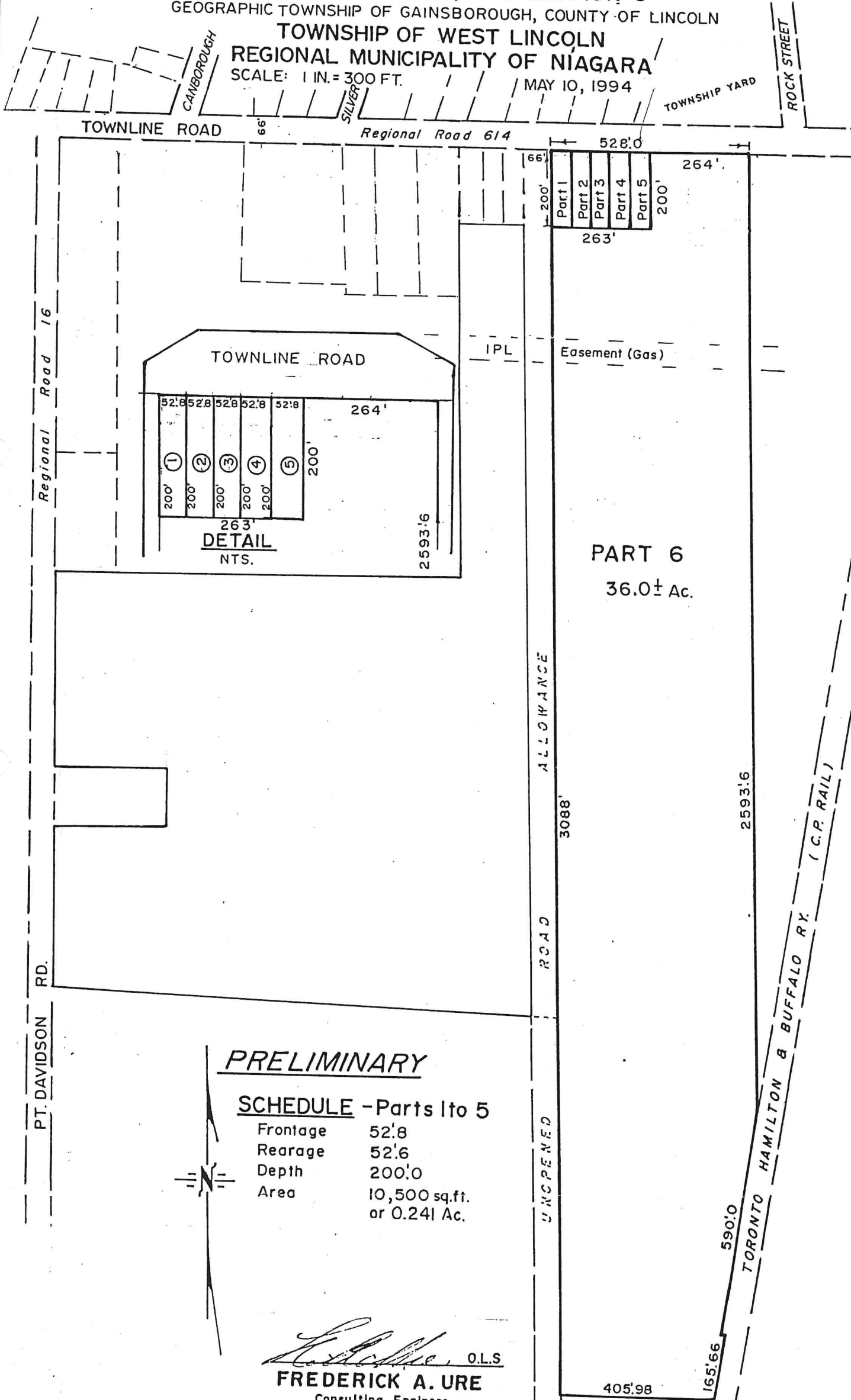
**Approved by:**



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**Bev Hendry**  
CAO

SKETCH FOR LAND DIVISION APPLICATION ON  
**PART OF LOT 31, CONCESSION 6**  
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH, COUNTY OF LINCOLN  
**TOWNSHIP OF WEST LINCOLN**  
**REGIONAL MUNICIPALITY OF NIAGARA**  
SCALE: 1 IN. = 300 FT. MAY 10, 1994



**PRELIMINARY**

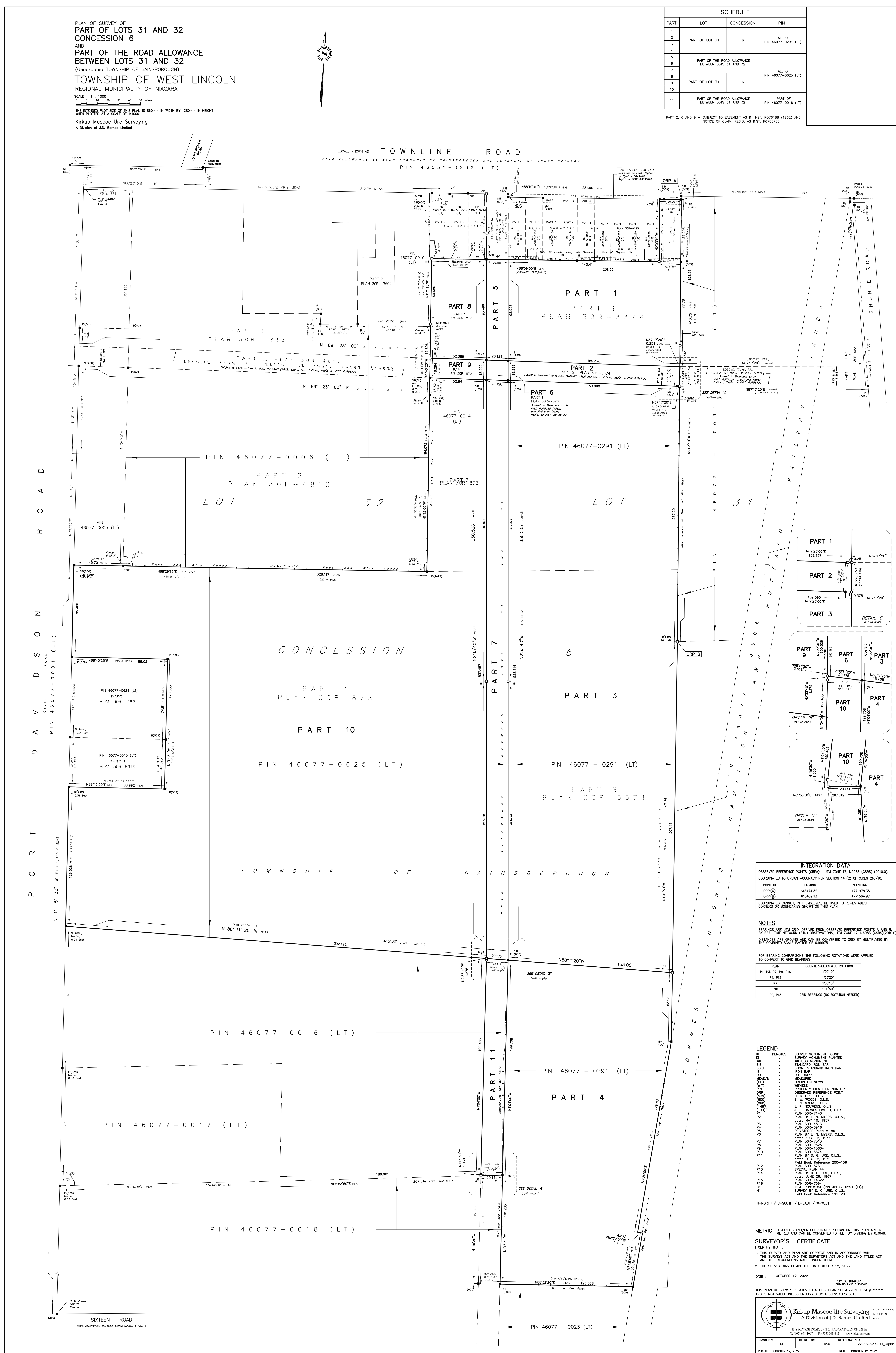
**SCHEDULE - Parts 1 to 5**

Frontage	52.8
Rearage	52.6
Depth	200.0
Area	10,500 sq.ft. or 0.241 Ac.



  
O.L.S.  
**FREDERICK A. URE**  
Consulting Engineer  
Ontario Land Surveyor  
66 QUEEN ST. ST. CATHARINES  
Page 65 of 112





**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

**BY-LAW NO. 2023-XX**

**A BY-LAW TO AUTHORIZE THE REMOVAL OF THE PREVIOUSLY REGISTERED DEVELOPMENT AGREEMENT (RO697920) FROM TITLE ON LANDS LEGALLY DESCRIBED AS PT OF NORTH HALF OF LOT 31, CONC 6, GAINSBOROUGH AS IN RO818154, (PIN 46077-0291) IN THE FORMER TOWNSHIP OF GAINSBOROUGH, NOW IN THE TOWNSHIP OF WEST LINCOLN.**

**WHEREAS** the Corporation of the Township of West Lincoln deems it expedient to remove the previously registered development agreement from title on lands legally described as legally described as PT of North Half of lot 31, Conc 6, Gainsborough as in RO818154, (PIN 46077-0291) in the former Township of Gainsborough, now in the Township of West Lincoln.

**AND WHEREAS** approval and authority for such signing of an agreement for the removal of site plan from title is required;

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:**

1. That, the Mayor and Clerk be and are hereby authorized to sign any and all required documentation to have the development agreement registered in 1995 as Instrument No. RO697920 removed from title on a portion of the subject lands.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25<sup>TH</sup> DAY OF SEPTEMBER, 2023.**

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**MAYOR CHERYL GANANN**

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**JESSICA DYSON, CLERK**

**DATE:** September 11, 2023

**REPORT NO:** PD-42-2023

**SUBJECT:** **Recommendation Report – Application for Zoning Bylaw Amendment for 8214 and 8248 Concession 3 Road (File No. 1601-06-23)**

**CONTACT:** Susan Smyth, Senior Planner  
Dave Heyworth, Manager of Planning  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- An application for Zoning By-law Amendment has been submitted by Henry and Lisa Van Ryn (1000044923 Ontario Inc.) owners of 8248 Concession 3 Road and Doug and Rita Lampman owners of 8214 Concession 3 Road to satisfy conditions of consent/lot boundary adjustment approved by the Committee of Adjustment on April 26, 2023 under Report COA-006-23 (File No. B03/2023WL). Refer to Attachment 1 – Location Map.
- On April 26, 2023 the Township's Committee of Adjustment approved the above applications based on positive recommendations from Planning Staff.
- The approved boundary adjustment granted 0.40 hectares (0.99 acres) of agricultural designated land from 8214 Concession 3 Road (Parcel 3 – severed lands) to merge with 8248 Concession 3 Road (Parcel 5 – benefitting lands) as shown on Attachment 2 – Survey Sketch.
- Both 8214 and 8248 Concession 3 Road are located on the south side of Concession 3 Road, east of Caistor Centre Road and west of Smithville Road/Regional Road 14.
- Following the lot boundary adjustment, 8214 Concession 3 Road will be approximately 17.043 hectares (42.11 acres) in size which includes the dedication of 1.22 metre for road widening (Parcel 1) and 8248 Concession 3 Road will be approximately 1.367 hectares (3.38 acres) in size which includes the dedication of 1.22 metre for road widening (Parcel 4).
- The application for a Zoning By-law Amendment for 8214 Concession 3 Road will address the deficient lot area and front yard setback which under the Agricultural Zone (Section 5.3) the minimum lot area is to be 40 hectares (98.84 acres) and the minimum front yard setback is required to be 15 metres. The proposed site-specific amendment is to capture these deficiencies and recognize a minimum lot area of 17 hectares and a minimum front yard setback of 6 metres from the existing dwelling.



The Environmental Protection – EP and Environmental Conservation - EC Zones along the rear section of the parcel will be maintained.

- The application for a Zoning By-law Amendment for 8248 Concession 3 Road will continue to recognize the current A-5 exemption and regulations that permits the existing use of the salvage yard and to recognize the reduced lot frontage of 28 metres, west side yard setback of 6.7 metres, east side yard setback of 9.1 metres, rear yard setback of 7.5 metres, building height of 5.3 metres, and maximum 5% lot coverage, all of which will be maintained.
- A site-specific zone will be applied to the lands added from the boundary adjustment (Parcel 3) being 0.40 hectares (0.99 acres), additionally per the comments received by the Region of Niagara, a 30 metre Vegetation Protection Zone (VPZ) measured from the wetland/woodland boundary along the rear and west portion of the added lands (approximately 1,073 square metres/0.11 hectares) will be placed under the Environmental Conservation – EC Zone.
- At the time of writing this report, no public comment submissions have been made, and can be found in Attachment 3 to this report.
- From the date of complete application, being August 18, 2023, 90 days would result in a decision having to be made by November 16, 2023.

#### **RECOMMENDATION:**

1. That, Recommendation Report PD-42-2023, regarding “Application for Zoning Bylaw Amendment for 8214 and 8248 Concession 3 Road (File No. 1601-06-23)”, dated September 11, 2023, be received; and,
2. That, the application for Zoning Bylaw Amendment submitted by Henry and Lisa Van Ryn owners of 8248 Concession 3 Road, and Doug and Rita Lampman owners of 8214 Concession 3 Road, be approved in accordance with the attached Amending Zoning By-law with the site-specific regulations; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

#### **ALIGNMENT TO STRATEGIC PLAN:**

##### **Theme #2 & #3**

- **Champion** – Strategic Responsible Growth
- **Enrich** – Strong Agricultural Legacy

#### **BACKGROUND:**

The purpose of this report is to provide the technical information and recommendation to Council for the Zoning By-law Amendment application. The Recommendation Report is being presented to Council the same evening as the Public Meeting as there has been a lower level of interest from residents in the area, the proposal complies with the Township, Regional and Provincial policies and will assist in meeting timelines outlined in Bill 109.

A Zoning By-law Amendment application has been submitted by Henry and Lisa Van Ryn (1000044923 Ontario Inc.) owners of 8248 Concession 3 Road and Doug and Rita Lampman owners of 8214 Concession 3 Road to satisfy conditions of consent/lot

boundary adjustment approved by the Committee of Adjustment on April 26, 2023 under Report COA-006-23 (File No. B03/2023WL). The approved boundary adjustment granted 0.40 hectares (0.99 acres) of agricultural designated and zoned land from 8214 Concession 3 Road to merge with 8248 Concession 3 Road. This land has historically been used in conjunction with the accessory salvage yard use.

The subject properties, being 8214 and 8248 Concession 3 Road are located on the south side of Concession 3 Road, east of Caistor Centre Road and west of Smithville Road/Regional Road 14. Refer to Attachment 1 for the Location Map.

Upon clearing all conditions of consent and final certification, the boundary adjustment will result in 8214 Concession 3 Road being 17.043 hectares (42.11 acres) in size and 8248 Concession 3 Road will be 1.367 hectares (3.38 acres) in size which includes the dedication of the 1.22 metre road widening to the Township.

8214 Concession 3 Road is a larger agricultural parcel containing a single detached dwelling and two accessory buildings/structures. The parcel also contains environmental features (wetlands and woodlands) located in the rear portion of the site although these features will not be impacted by this amendment.

8248 Concession 3 Road is a smaller agricultural parcel with a site-specific zoning (A-5) that permits the salvage yard operations with specific regulations recognizing the lot frontage, side and rear yard setbacks, lot area, lot coverage, and building height. There is one existing dwelling and one accessory building with the automobile salvage yard in the rear section of the site. According to the applicants, the property has been used as a wrecking, auto body and salvage yard since approximately 1953. Currently, the salvage yard is not operating or open to the public since the new owners purchased the property in February 2022 but they have kept the valid salvage yard license to continue to operate. Over the years, and according to aerial imagery, the salvage yard operation expanded onto the abutting lands as shown in the survey sketch and labelled as Parcel 3 (severed lands), which is the reason for the boundary adjustment. While visible by aerial photography this spreading of the salvage yard use was not visible from the ground. This amendment is a condition of the consent to bring the operation and lands into conformity with the by-law regulations. There is currently no registered site plan and to satisfy Condition 7 of consent, Site Plan Approval is required to recognize the salvage yard operations.

The Region of Niagara regulates and issues licences to govern salvage shops and salvage yards throughout the Region under By-law 2021-59. This licence will assist with controlling certain aspects of the salvage yard function and operations (e.g., fencing and hours of operation).

## **CURRENT SITUATION:**

### **Provincial Policy Statement 2020**

Land use planning decisions must be consistent with the Provincial Policy Statement (PPS), which ensures appropriate development while protecting resources of provincial interest, public health, and the quality of the natural and built environment.

Section 2.3.4.2 of the PPS states that lot adjustments in *prime agricultural areas* may be permitted for legal or technical reasons which was the circumstance for the subject property referred to as 8248 Concession 3 Road. The boundary adjustment approved the lot adjustment and the limits of the salvage yard operation that encroached onto 8214 Concession 3 Road (referred as Parcel 3 on Attachment 2). This application for a Zoning By-law Amendment to 8248 Concession 3 Road will continue to recognize the use of the salvage yard (A-5) and the lands severed by the boundary adjustment currently zoned for Agricultural uses will receive a site-specific zone to also recognize the salvage yard as a permitted use with the rear and west portion of the lands to be zoned as Environmental Conservation – EC for the 30 metre Vegetation Protection Zone (VPZ) recommended by the Region of Niagara.

The application for a Zoning By-law Amendment for 8214 Concession 3 Road will maintain the permitted agricultural uses including the dwelling and accessory buildings and amend the lot area and front yard setback to bring the site into compliance. Considering no additional uses are being added and the areas zoned for environmental protection and conservation are being maintained, Planning Staff consider the application is consistent with the Provincial Policy Statement (PPS) for the long term protection of agricultural uses and environmental sustainability and protection.

### **A Place to Grow, Growth Plan for the Greater Golden Horseshoe – 2020 Consolidation**

The Place to Grow – Growth Plan for the Greater Golden Horseshoe (Growth Plan) builds on the Provincial Policy Statement to establish a unique land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment and social equality. The policy document specifically guides how and where to grow communities, how to support growth while protecting what is valuable, such as the natural environment and agricultural lands.

Specifically, Section 4.2.6 states that *prime agricultural areas* will be protected for long-term use for agriculture, by minimizing and mitigating adverse impacts on the *Agricultural System*. In regards to 8248 Concession 3 Road, historically the lands been used for a salvage yard and the operation does not plan to expand their capacity and this amendment application is to recognize the use and is not expected to have any adverse impacts on the surrounding agricultural uses.

Similarly, 8214 Concession 3 Road is maintaining the existing agricultural and related uses therefore supporting the protection of the agricultural lands. Therefore, Planning Staff considers the Zoning By-law Amendment application to conform to the Growth Plan policies.

### **Niagara Official Plan, 2022**

The Niagara Official Plan (NOP) provides a framework for growth and development within the Niagara Region. The NOP regulations are consistent with Provincial policies; including the PPS and Growth Plan as noted above. The NOP states how properly protecting resources while planning for growth is critical.

Specifically, protecting the *Agricultural System* is outlined in Section 4.1 of the NOP. The main objectives of this section are to facilitate a strong, diverse, and resilient agricultural economy and to protect the region's agricultural land base, ensuring agricultural sustainability for present and future generations.

Additionally, Section 4.1.6.1(d) of the NOP recognizes that lot adjustment for *legal or technical reasons* such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot. As this is the circumstance, the boundary adjustment was the framework to legally correct the encroachment of the salvage yard onto the abutting lands and this Zoning By-law Amendment application is to legally regulate the use on the added lands to be consistent with the balance of the site for operating a salvage yard, and to identify the 30 metre Vegetation Protection Zone (VPZ) along the rear and west portion of the added lands and place an Environmental Conservation – EC zone for the long term protection of the environmental features.

### **Township of West Lincoln Official Plan**

The subject properties being 8214 Concession 3 Road and 8248 Concession 3 Road are both designated as *Good General Agricultural and Natural Heritage System (Environmental Protection Area and Environmental Conservation Area)* in the Township's Official Plan (OP). The purpose of the Township's *Good General Agricultural designation* is to ensure that these areas are protected and preserved for Agricultural purposes.

The OP, Section 4.4.2 (g) within the Agricultural designation notes that there exist a number of legally established non-agricultural related uses, buildings and structures that have been recognized through the Township's Zoning By-law. These uses can continue to exist as legally established, any changes to these uses, buildings and structures shall be in accordance with the applicable policies of the OP and may require further approval through zoning by-law amendments, site plan approval, or other planning approvals as required to continue to allow the legally established non-agricultural related uses. This relates to this amendment application for 8248 Concession 3 Road for the salvage yard.

The OP, Section 10 provides policies related to the Natural Environment and both subject properties contains environmental features designated as part of the *Core Natural Heritage System* identified in Section 10.7 of the OP. As noted in this section, these features are significant in the context of the surrounding landscape because of their size, location, outstanding quality or ecological functions, as well as, their provincial significance. The main objective is to maintain, restore, and where possible, enhance the long term ecological health, integrity, and biodiversity of the system. The approximate location of these environmental features are along portions of the western lot boundary and rear yard including; Provincially Significant Wetlands, significant woodlands, Environmental Conservation Area and Environmental Protection Area.

As per policy 10.7.2(z) an expansion to an existing use located within an Environmental Conservation Area or adjacent lands to a Core Natural Heritage System Component may be permitted if it will have no significant negative impact on the natural feature or its ecological functions.

Since the boundary adjustment will not impact these features on the property, and no site alteration or new construction is being proposed, the application follows the intended objectives of the OP.

8248 Concession 3 Road is within the Niagara Peninsula Conservation Authority (NPCA) floodplain boundary and the boundary adjustment does not intersect the regulated features on the site therefore the features are protected and the Environmental Protection and Conservation zones are being maintained on the parcel.

Furthermore, it is important to note that both properties have potential for petroleum resources. As outlined in Section 15.2.2 of the OP, the objective of these designated areas are to ensure that abandoned wells are properly remediated and capped to reduce potential contamination of the ground water table. As such, a condition of consent was included to satisfy the concern for petroleum resources on the subject properties.

Planning Staff consider the continued agricultural uses and established non-agricultural uses on the subject properties as recognizing existing situations. Therefore, the application for the amendment meets the intent of the Townships' OP.

### **Township of West Lincoln Zoning By-law 2017-70, as amended**

The subject properties being 8214 Concession 3 Road and 8248 Concession 3 Road are zoned Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended. Although 8248 Concession 3 Road has a site-specific zoning Agricultural 'A-5' which permits the salvage yard use and the regulations for lot frontage, side and rear yard setbacks, lot area, lot coverage, and building height continue to apply. This Zoning By-law Amendment application will apply a site-specific zone to the added lands currently zoned for Agricultural and to also recognize the salvage yard as a permitted use with the rear and west portion of the lands to be zoned as Environmental Conservation – EC for the 30 metre Vegetation Protection Zone (VPZ) recommended by the Region of Niagara.

8214 Concession 3 Road is primarily agricultural with agriculture-related uses including a single detached dwelling and accessory structures, and the boundary adjustment and application to amend the by-law will not impact the surrounding agricultural production as the land being merged has not been actively farmed. As this is the case, the intent of the Agricultural zone is being maintained. Additionally, the minimum lot area required within an Agricultural zone 'A' is 40 hectares (98.84 acres) as outlined in Table 12 of the Township's Zoning By-law 2017-70, as amended. 8214 Concession 3 Road will only be approximately 17.043 hectares (42.11 acres) following the boundary adjustment, and to fulfill a condition of consent requires the approval of an amending by-law to capture the insufficient lot area and reduced front yard setback of the existing dwelling.



Portions of the subject properties are zoned Environmental Conservation 'EC' and Environmental Protection 'EP' which is limited to conservation use and/or public/park for passive recreation.

Environmental Conservation 'EC' zones are subject to a permit issued by the Niagara Peninsula Conservation Authority for existing buildings and/or accessory buildings. Since the boundary adjustment does not impact these environmental features, the preservation and protection of the environmental features are being maintained and as such, Planning Staff consider that the application for a Zoning By-law Amendment conforms to the primary objectives of the Agricultural and Environmental zoning regulations.

A copy of the proposed draft by-law amendment is included as Attachment 3.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report except for the potential implications associated with Bill 109, the *More Homes for Everyone Act, 2022*. Bill 109 requires municipalities, starting on July 1<sup>st</sup>, 2023, to provide fee refunds for planning act applications if decisions are not made within the required Planning Act timelines.

The timelines for approval and required fee returns associated with this will require Township Staff to prepare recommendations on a quicker timeline for Council's decisions. Council must make a decision within 90 days of complete application or they will be required to grant a refund.

	<b>Zoning and Official Plan Combined</b>	<b>Zoning Bylaw Amendment</b>	<b>Site Plan</b>
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approve within 60 days
50%	Decision made within 121-179 days	Decision made within 91-149 days	Plans are approved between 61-89 days
75%	Decision made within 180 – 239 days	Decision made within 150 – 209 days	Plans are approved 9 – 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

The current 2023 fee for a standard Zoning By-law Amendment is \$9,630.00. If not approved within 90 days, the Township would be required to refund the applicant \$4,815.00, at 149 days, \$7,222.50 and after 209 days, the entire fee. Since this is a condition of consent a reduced fee of \$4,820 was collected.

A final note for consideration includes the Planning Act changes that have been made through Bill 109, the *More Homes for Everyone Act, 2022* requiring zoning amendments be decided upon within 90 days or face punitive costs back to the applicant. In order to avoid these fee returns, Staff will be required to prepare recommendation reports within the required timeframe that potentially recommend:

1. Approval, subject to a holding provision,
2. Approval of application as submitted,
3. Approval of staff modified application
4. Denial

Staff consider this application for an amendment to the Zoning By-law is a condition of consent and does not create negative adverse impacts to the surrounding agricultural and environmental uses and approval of this application can be granted within the 90 day timeframe and no refund to the applicant should be required.

#### **INTER-DEPARTMENTAL COMMENTS:**

Notification was mailed to all applicable agencies, departments and members of the public within 120 metres of the subject property on August 18, 2023. The notice was also uploaded to the Township's website and a yellow notice sign was posted on the subject property on August 17, 2023.

#### Public Comments

At the time of writing this report, no comments have been received from members of the public for the proposed application.

#### Agency Comments

The Township's Building Department has reviewed the proposed application and offers no concerns or objections.

Further, the Township's Public Works Department has reviewed the proposed application and offers no concerns or objections.

The Niagara Peninsula Conservation Authority (NPCA) offered comments that the subject properties are impacted by the 30 metre wetland buffer of the Caistor Centre Wetland Complex and watercourses. Since 8248 Concession 3 Road already exists legally and has caused disturbances, the appropriate zoning and vegetation buffers should be maintained to protect the wetland and watercourse. Prior to any site alterations or disturbances proposed within 30 metres of the wetlands or buffer, the NPCA shall be contacted to obtain a permit.

The Region of Niagara Staff acknowledge that new municipal services are not required for either properties since no changes are expected. Furthermore, the identified environmental features and their associated vegetation protection zones are required to be placed in a restrictive environmental zone. Related to 8248 Concession 3 Road, the expansion of the non-agricultural use is on land newly added through a boundary adjustment that area has not been actively used for agricultural purposes but for the legal non-agricultural use (salvage yard). Staff recommend the rear and west portion of the added lands (approximately 1,073 square metres/0.11 hectares) to be zoned as Environmental Conservation – EC for the 30 metre Vegetation Protection Zone (VPZ).

The subject properties are located within the mapped 'Area of Archaeological Potential' however Regional Staff note that at the time of pre-consultation, Staff did not require an archaeological assessment for the lands newly added to 8248 Concession 3 Road, or for the expansion of the use as there is no new site alteration or development proposed. In accordance with Policy 6.4.2.6 of the NOP, any future Planning Act applications within the area of archaeological potential may require an archaeological assessment and this may pertain to the Site Plan Approval application.

The subject properties are impacted by the Region's Core Natural Heritage System, consisting of the Caistor Centre Provincially Significant Wetland ("PSW") Complex, and Significant Woodland. Also, mapped as part of the Growth Plan (2019) is the Provincial Natural Heritage System ("NHS"). As such, these features are considered Key Natural Heritage Features ("KNHF") and Key Hydrologic Features ("KHF"). There is also a watercourse but it was determined by Regional Staff that it was not permanent or intermittent in nature and as such is not a Regionally designated Core Natural Heritage System feature.

Based on observations made by staff on May 30, 2023, and the nature of the application, Staff do not object to the proposed Zoning By-law Amendment provided that the PSW, Significant Woodland and associated 30 metre Vegetation Protection Zones are placed within an appropriately restrictive environmental zone (e.g., Environmental Conservation – EC).

Refer to Attachment 4 for the agency comments.

## **CONCLUSION:**

An application for Zoning By-law Amendment application has been submitted for the properties located at 8214 and 8248 Concession 3 Road. The amending by-law will apply site-specific regulations on the sites as follows:

### 8248 Concession 3 Road – A-227

- As per the A-5 zone which permits the salvage yard
- Minimum lot area of no less than 4,037.4 square metres (0.40 hectares)
- Minimum 30 metre Vegetation Protection Zone (VPZ) of approximately 1,073 square metres (0.11 hectares) along the rear and west portion of the lands

### 8214 Concession 3 Road – A-228

- Minimum lot area – 17 hectares
- Minimum front yard – 6 metres

The application to amend the Zoning By-law has been reviewed in accordance with Section 34 of the Planning Act, and against Provincial, Regional and Township Policy, and the application has been deemed to meet the policies for the long term protection and maintenance of agricultural and environmental land uses. As such, Planning Staff recommend the approval of the Zoning By-law Amendment application and the by-law and schedule attached to this report.



**ATTACHMENTS:**

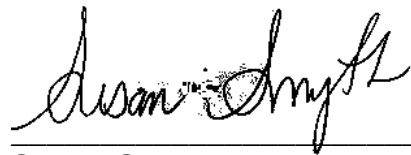
Attachment 1 - Location Map

Attachment 2 - Survey Sketch

Attachment 3 - Amending By-law

Attachment 4 - Agency Comments

**Prepared & Submitted by:**



---

**Susan Smyth,  
Senior Planner**

**Approved by:**



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**Bev Hendry,  
CAO**



---

**Dave Heyworth,  
Manager of Planning**

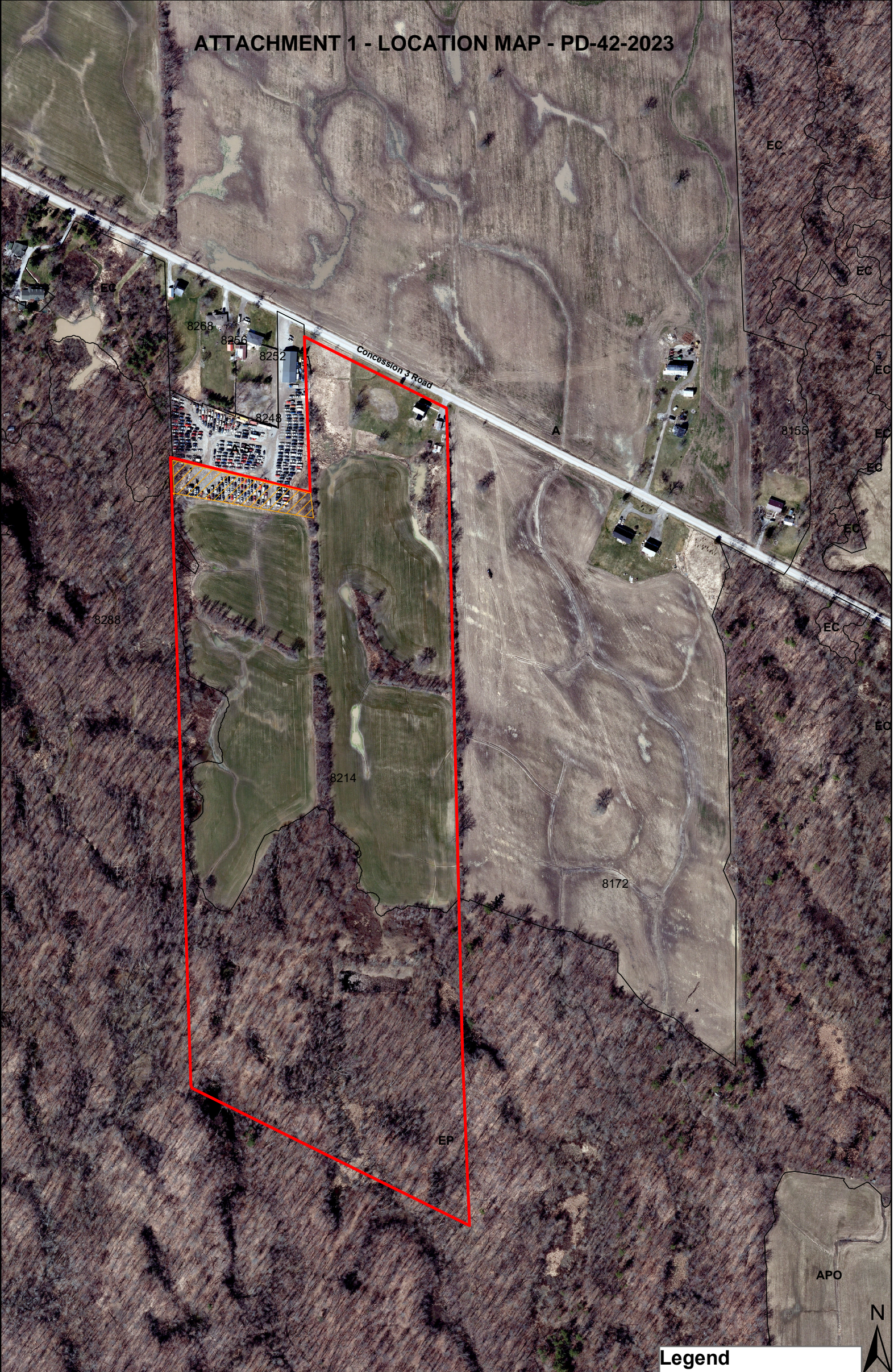


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**Brian Treble,  
Director of Planning & Building**



ATTACHMENT 1 - LOCATION MAP - PD-42-2023



**Location Map**  
**8214 & 8248 Concession 3 Road**  
0 50 100 200 Meters

**West Lincoln**  
*Your Future Naturally*

**Legend**

ZoneBoundary

Subject Property



PIN DENOTES PROPERTY IDENTIFIER NUMBER  
DISTANCES AND AREAS ARE APPROXIMATE

PART OF LOT 8  
CONCESSION 3  
GEOGRAPHIC TOWNSHIP OF CAISTOR  
REGIONAL MUNICIPALITY OF NIAGARA  
PIN 46064-0077(LT)  
PIN 46064-0065(LT)

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
2. THIS SKETCH IS PROTECTED BY COPYRIGHT ©
3. THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL, OR PDF CERTIFIED.

BOUNDARY INFORMATION HAS BEEN DERIVED FROM PLAN 30R-3502, PLAN 30R-3526, REGISTRY OFFICE RECORDS AND ACTUAL FIELD WORK.

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

FIELD WORK COMPLETED: MARCH 6, 2023.

MARCH 17, 2023  
DATE

ARCH 6, 2023  
Harold Hyde  
HAROLD D. HYDE  
ONTARIO LAND SURVEYOR

**RASCH + HYDE LTD.**  
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B DUNNVILLE, ONT, N1A 2X1 905-774-7188 (FAX 905-774-4000)	P.O. Box 550, 74 Jarvis Street FORT ERIE, ONT, L2A 5Y1 905-871-9757 (FAX 905-871-9748)
---	---

HAROLD D. HYDE O.L.S.

SCALE 1 : 1000	SURVEY : 23-034 PS	DRWN BY : J.H.
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**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

**BY-LAW NO. 2023- XX**

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS  
AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

**WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990, AS AMENDED;**

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY ENACTS AS FOLLOWS:**

1. THAT Schedule 'A' Map 'D3' & 'D4' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Part of Lot 8, Concession 3, being Parcel 2 and 3 shown on Consent Sketch, in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'D3' & 'D4' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Parcel 3 (Severed Lands) shown on Schedule 'A', attached hereto and forming part of this By-law from Agriculture Zone to Agriculture with Exception (A-227).
3. THAT Map 'D3' & 'D4' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing a portion of the zoning on Parcel 3 (Severed Lands) shown on Schedule 'A', attached hereto and forming part of this By-law to include an Environmental Conservation 'EC' zone covering the west portion of Parcel 3, being approximately 1,073 square metres (0.11 hectares) which contains Provincially Significant Wetlands, Significant Woodlands, and associated 30-metre Vegetation Protection Zone (VPZ).
4. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.2:

A-227

Permitted Uses:  
As per the A-5 existing special provision including the salvage yard.

Regulations:  
All regulations of the A zone except:
  - a) Minimum lot area of no less than 4,037.4 square metres (0.40 hectares)
  - b) Minimum 30 metre Vegetation Protection Zone (VPZ) of approximately 1,073 square metres (0.11 hectares)
5. THAT Map 'D3' & 'D4' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Parcel 2 (retained lands) shown on Schedule 'A', attached hereto and forming part of this By-law from an Agriculture Zone to an Agriculture with Exception (A-228).
6. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.2:

A-228

Permitted Uses:  
As per the parent zone.

Regulations:  
All regulations of the A zone except:
  - a) Minimum lot area of no less than 17.0 hectares
  - b) Minimum front yard setback of 6.0 metres
7. THAT all other provisions of By-law 2017-70 continue to apply.
8. THAT notwithstanding Section 34(10.0.0.1) and Section 45(1.3) of the *Planning Act*, an application for a Zoning By-law Amendment or Minor Variance can be made within two years of the passing of Zoning By-law 2017-70, without further resolution of Council.

9. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
25 DAY OF SEPTEMBER, 2023.**

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**MAYOR CHERYL GANANN**

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**JESSICA DYSON, CLERK**

DRAFT

**EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2023-XX**

**Location:**

This By-law involves a parcel of land legally known Part of Lot 8, Concession 3, being Parcel 2 and 3 (on Consent Sketch, File #B03/2023WL), Township of West Lincoln, Regional Municipality of Niagara.

**Purpose & Effect:**

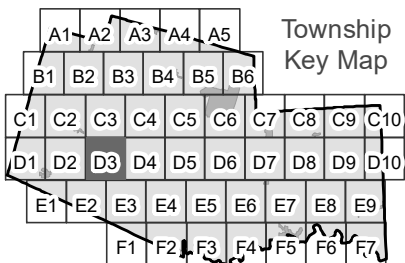
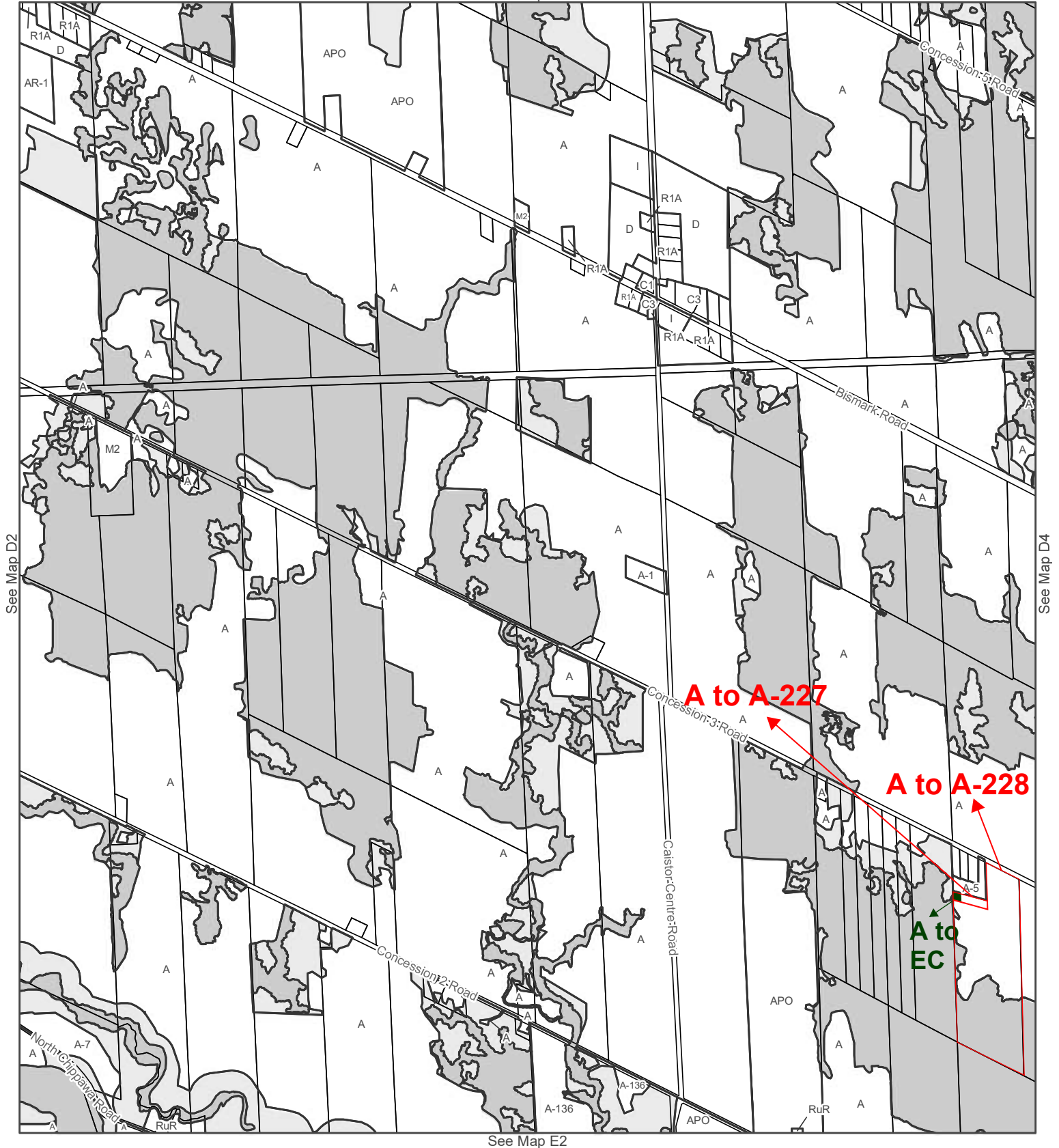
The purpose of the Zoning By-law Amendment is to change the zoning from an Agriculture ‘A’ zone to Agriculture ‘A-227’ for Parcel 3 (4,037.4 square metres), being the lands added to 8248 Concession 3 Road which will permit the salvage yard use and zone the 30 metre Vegetation Protection Zone (VPZ) of approximately 1,073 square metres (0.11 hectares) and environmental features of Parcel 3 with Environmental Conservation ‘EC’ as shown on Schedule ‘A’ attached. Additionally, the purpose of this Zoning By-law Amendment is to rezone 8214 Concession 3 Road with Agriculture ‘A-228’ to recognize the zoning deficiencies on the property, being the reduced lot area of 17.0 hectares and a front yard setback of 6.0 metres.

**Public Consultation:**

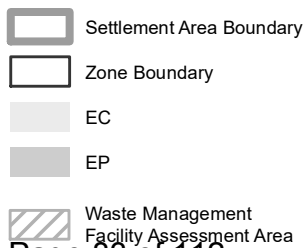
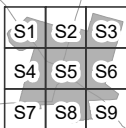
The Public Meeting was held on September 11<sup>th</sup>, 2023. All written and oral comments will be considered in the making of the decision by Council. Agency comments regarding this application has been included in the amending bylaw.

File: 1601-006-23  
Applicant: Henry and Lisa VanRyn

DRAFT



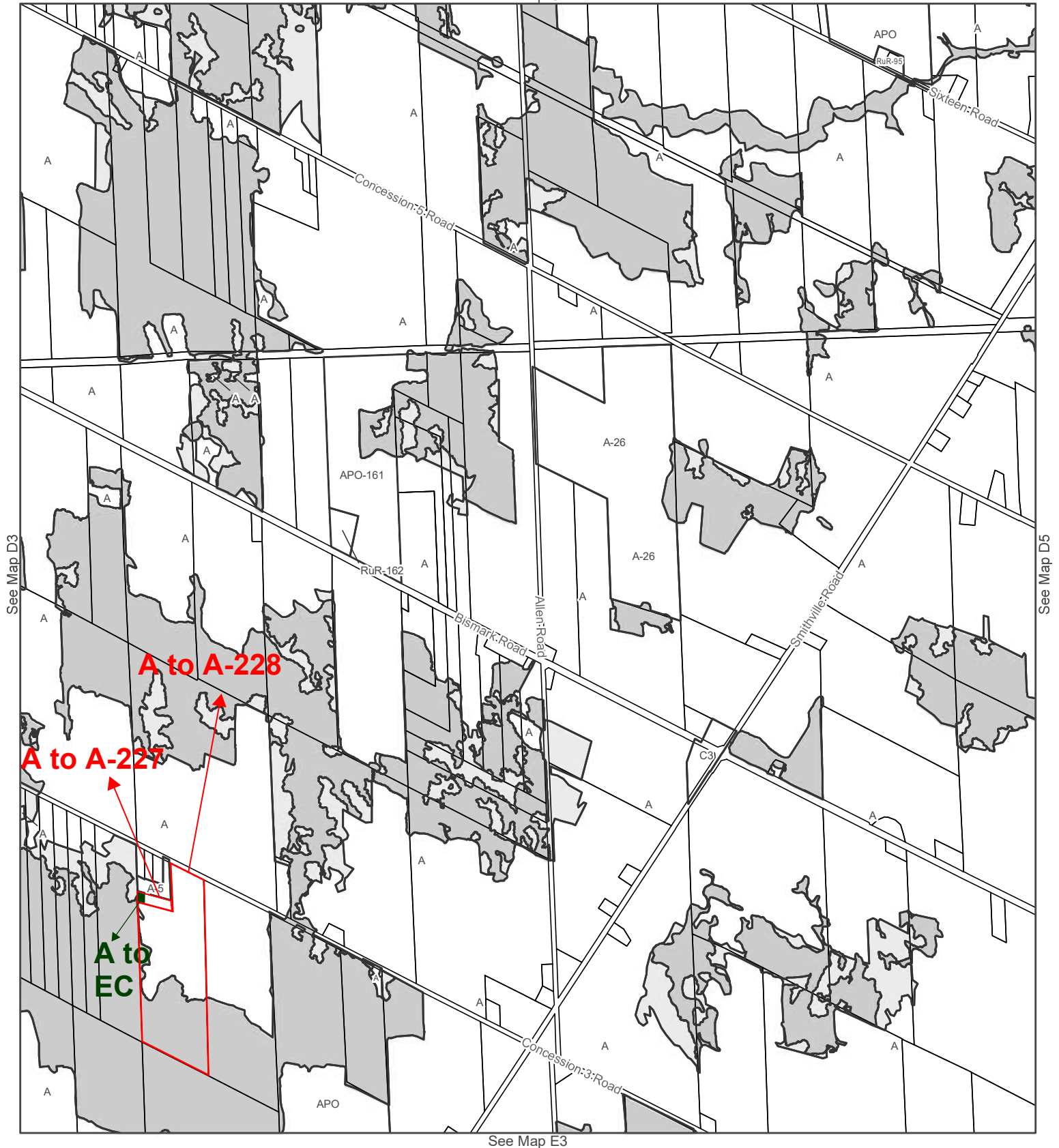
**Smithville Key Map**



**Township of West Lincoln**  
Schedule A  
Zoning By-law No. 2017-70  
Map  
**D3**

1:20,000  
0 500 m  
N  
Last Updated: July 2019





**Township Key Map**

A1	A2	A3	A4	A5					
B1	B2	B3	B4	B5	B6				
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
E1	E2	E3	E4	E5	E6	E7	E8	E9	
F1	F2	F3	F4	F5	F6	F7			

Smithville Key Map

S1	S2	S3
S4	S5	S6
S7	S8	S9

- Settlement Area Boundary
- Zone Boundary
- EC
- EP
- Waste Management Facility Assessment Area

## Township of West Lincoln

Schedule A

Zoning By-law No.2017-70

Map

D4

1:20,000

Last Updated: July 2019



Aug 21 / 23

## NOTICE OF PUBLIC MEETING FOR PLANNING MATTERS

Get involved with your input. The Township of West Lincoln Planning/Building/Environmental Committee will hold a Public Meeting in accordance with the Planning Act where the matter(s) below will be considered. The meeting will take place:

### HYBRID PUBLIC MEETING

**DATE:** Monday, September 11<sup>th</sup>, 2023

**TIME:** 6:30PM

**LOCATION:** Hybrid Meeting (in person and virtual attendance\*)  
Town Hall - 318 Canborough Street Smithville Ontario

*Barb  
no objection to proposed application.  
R.H.*

\*Those who wish to provide comments at a meeting virtually (Zoom), must register in advance by contacting Jessica Dyson, Deputy Clerk [jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca) or 905-957-3346

### About the Planning Application:

**File No. and Name:** 1000044923 Ontario Inc. - 1601-006-23 ZBA

An application for Zoning Bylaw Amendment has been submitted by Henry and Lisa Van Ryn for the addition to their property located at 8248 Concession 3 Road and on behalf of the owners (Doug and Rita Lampman) of 8214 Concession 3 Road. Both properties are located on the south side of Concession 3 Road, south east of the Hamlet of Caistor Centre, west of Smithville Road/Regional Road 14, municipally known as 8214 and 8248 Concession 3 Road.

The rezoning application has been submitted to permit the operation of a salvage yard on the lands recently added to 8248 Concession 3 Road (shown as Parcel 3 on the attached sketch), with adequate setbacks from significant environmental features. This will also fulfill condition 6 of the applicants' consent application (B03/2023WL) which granted the minor boundary adjustment. The intent of this zoning bylaw amendment will also recognize the deficient lot area of 8214 Concession 3 Road which does not meet the minimum lot area requirement of 40 hectares, being a total lot size of 17.0 hectares following the boundary adjustment. This will also fulfill condition 6 of the related consent application (B03/2023WL). The rezoning will also recognize the deficient front yard setback for the existing residence located at 8214 Concession 3 Road which is located approximately 6.0 metres from the front lot line whereas, 15 metres is the minimum front yard requirement within an Agricultural 'A' zone.

The purpose of the zoning bylaw amendment is to change the zoning from an Agriculture 'A' zone to Agriculture 'A-5' zone for Parcel 3 (4037.4 square metres), being the lands added to 8248 Concession 3 Road. Additionally, to rezone 8214 Concession 3 Road with site specific exceptions to recognize the zoning deficiencies on the property, being the reduced lot area of 17.0 hectares and a front yard setback of 6.0 metres. See the location map on the reverse side of this notice.

**If you have any questions about this application, please contact the following planner:**

Name Stephanie Pouliot, Planner

Email: [spouliot@westlincoln.ca](mailto:spouliot@westlincoln.ca)

### How to have your comments heard:

Please submit your written comments to [jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca) with the file number for the application by 4 PM Friday September 1<sup>st</sup>, 2023 to have them included in Staff's report for the application. If you submit comments after this date, they will not be included in Staff's report. Please ensure all comments have been submitted prior to Friday September 8<sup>th</sup>, 2023 at 4pm. Any comments received after September 1<sup>st</sup> and before September 8<sup>th</sup> will be read into the public record during the specified meeting. While residents are encouraged to make written submissions to the committee, members of the public will also be able to provide verbal comments at Committee and Council in person or virtually through Zoom. Please contact the Township Deputy Clerk by email at [jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca) to register to speak at the meeting and indicate if you will need a link to the Zoom meeting.

### Important information about making a submission

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln Planning/Building/Environmental Committee before a by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Township of West Lincoln to the Ontario Land Tribunal. Additionally, should no oral or written submissions be made, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Individuals who make written submissions with respect to a Planning Act application should be aware that their submission and any personal information in their correspondence will become part of the public record and made available to the Applicant, Committee and Council.

### For more information:

The documents and background material for this application can be made available by contacting West Lincoln's Planning Department at:

Phone: 905-957-3346

E-mail: [planning@westlincoln.ca](mailto:planning@westlincoln.ca)

Website: [www.westlincoln.ca](http://www.westlincoln.ca)

**Copies of the Staff Report will be available Friday September 8<sup>th</sup>, 2023 after 4 PM on the Township's website.** If you would like to be notified of Township Council's decision with respect to any planning application, you must make a written request (specifying which file number) to:

Jessica Dyson, Deputy Clerk

Phone: 905-957-3346

E-mail: [jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca)

Dated: August 18<sup>th</sup>, 2023





**Location Map**  
**8214 & 8248 Concession 3 Road**  
0 50 100 200 Meters

**West Lincoln**  
Your Future Naturally

**Legend**

	Zone Boundary
	Subject Property



## Stephanie Pouliot

---

**From:** Jennifer Bernard  
**Sent:** August 21, 2023 10:42 AM  
**To:** Stephanie Pouliot  
**Subject:** RE: Notice of Public Meeting -1601-006-23 Van Ryn/Lampman

Hi Stephanie,

I have no comments on this application.

Thanks,  
Jenn

***Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.***



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

---

**From:** Stephanie Pouliot <spouliot@westlincoln.ca>  
**Sent:** August 18, 2023 3:54 PM  
**To:** Pat.busnello@niagararegion.ca; Wilson, Connor <Connor.Wilson@niagararegion.ca>; devtplanningapplications@niagararegion.ca; Meghan Birbeck <mbirbeck@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Jessica Dyson <jdyson@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>; Beverly Hendry <bhendry@westlincoln.ca>; Lisa Kasko-Young <lyoung@westlincoln.ca>  
**Cc:** Brian Treble <btreble@westlincoln.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Jeni Fisher <jfisher@westlincoln.ca>  
**Subject:** Notice of Public Meeting -1601-006-23 Van Ryn/Lampman

Hello,

Please find attached the Notice of Public Meeting for Zoning By-law Amendment application (1601-006-23) for the properties located at 8214 & 8248 Concession 3 Road. Please also find attached the full package for the application.

## Stephanie Pouliot

---

**From:** Meghan Birbeck <mbirbeck@npca.ca>  
**Sent:** August 31, 2023 4:21 PM  
**To:** Stephanie Pouliot; Jessica Dyson  
**Cc:** Jeni Fisher  
**Subject:** NPCA response to ZBA for 8214 & 8248 Concession 3 Road  
**Attachments:** Regulated Land Map - 8214 Concession 3 Rd.pdf

Good afternoon,

Please see NPCA's comments on 8214 & 8248 Concession 3 Road below:

### 8214 & 8248 Concession 3 Road

- The NPCA have had a chance to review the ZBA for 8214 & 8248 Concession 3 Road. The application indicated that the ZBA will fulfill conditions of a minor boundary adjustment that was just completed on the subject lands.
- The subject lands are impacted by the 30 m wetland buffer of the Caistor Centre Wetland Complex and additionally watercourses.
- Given the existing disturbed areas and the fact that the salvage yard use appears to be already existing on the subject property, the NPCA has no objections, in principle, to the approval of this application.
- Please be aware of the wetlands to the west and therefore the western portion of the lot falls within the wetland buffer and as such, the vegetated areas shall remain undisturbed as per NPCA policies.
- Further, the zoning of the wetland, wetland buffers, and watercourses should reflect the environmental features.
- The NPCA should be contact prior to any site alterations or disturbances proposed within 30m of the wetlands.
- The NPCA's mapping of the property is attached to this email.

Best,  
Meghan



**Meghan Birbeck (MS)**

Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**

250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

905.788.3135 Ext 278

[www.npca.ca](http://www.npca.ca)

[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)

---

**From:** Stephanie Pouliot <spouliot@westlincoln.ca>

**Sent:** Friday, August 18, 2023 3:54 PM

**To:** Pat.busnello@niagararegion.ca; Wilson, Connor <Connor.Wilson@niagararegion.ca>; devtplanningapplications@niagararegion.ca; Meghan Birbeck <mbirbeck@npca.ca>; Mike DiPaola

## **Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
(905) 980-6000 Toll-free: 1-800-263-7215

---

### **Via Email**

September 1, 2023

Region File: D.18.12.ZA-23-0084

Stephanie Pouliot  
Planner 1  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Ms. Pouliot

**Re: Regional and Provincial Comments  
Proposed Zoning By-law Amendment Application  
Township File: 1601-006-23-ZBA  
Owner: Lampman & 1000044923 Ontario Inc. (c/o Henry Van Ryn)  
Agent: LandPro Planning Solutions (c/o Mitchell Baker)  
8214 & 8248 Concession 3 Road  
Township of West Lincoln**

---

Staff of the Growth Strategy and Economic Development Department has reviewed the materials that were provided with the circulation of the above noted Zoning By-law Amendment ("ZBA") application for the properties municipally known as 8214 & 8248 Concession 3 Road in the Township of West Lincoln ("subject lands").

Within the Township of West Lincoln Zoning By-law (No. 2017-70), 8248 Concession 3 Road is zoned Agricultural with site-specific exceptions (A-5) which permits a salvage yard in addition to agricultural uses and 8214 Concession 3 road is zoned Agricultural (A).

The ZBA application proposes to change the zoning from Agriculture 'A' to site-specific Agriculture 'A5' zone with adequate setbacks from significant environmental features to permit the operation of a salvage yard on the lands recently added to 8248 Concession 3 Road. The Zoning By-law Amendment additionally seeks to recognize the deficient front yard setback for the existing residence located at 8214 Concession 3 Road.

A pre-consultation meeting was held on June 16, 2022 with the Applicant's agent/representative, attended by Town and Regional staff, to consider a variation of the proposal. Regional staff provided comment on the Consent Application (April 19, 2023), which was granted by the Township's Committee of Adjustment on April 26, 2023.

The following comments are offered from a Provincial and Regional perspective to assist Council with its consideration of the application.

## Provincial and Regional Policies

The subject lands are designated 'Prime Agricultural Area' under the *Provincial Policy Statement, 2020* ("PPS"), *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and the *Niagara Official Plan, 2022* ("NOP").

Across the region, an Agricultural System has been identified in which all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards. Within Prime Agricultural Areas, a full range of agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted. In addition to these uses, the NOP does not prohibit the continued operation of legally established uses, including commercial uses. With respect to expanding an existing use, NOP policy 4.1.10.2 states that "*Expansions to existing uses are permitted subject to demonstration of the following:*

- a. new municipal services are not required;*
- b. the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;*
- c. if applicable, the proposed new use complies with the Specialty Crop Guidelines, as amended from time to time;*
- d. for conversions or redevelopments only, the completion of an agricultural impact assessment by a qualified professional;*
- e. the proposal does not result in the intrusion of new incompatible uses; and*
- f. the proposed use is in accordance with the minimum distance separation formulae."*

Staff acknowledge that new municipal services are not required as the property is located within the Prime Agricultural Area, where servicing is private and subject to the Township's review. With respect to subsection (b), staff require environmental features and their associated vegetation protection zones to be placed in a restrictive environmental zone as detailed below under 'Natural Environment System'. Staff note that subsection (c) and (d) do not apply to the subject lands as it does not fall under the Specialty Crop designation and the application does not pertain to a redevelopment nor a conversion. With respect to subsection (e) and based on information provided in the 'Planning Justification Letter' prepared by LandPro Planning Solutions (March 27, 2023), the existing salvage yard has been on the property at 8248 Concession 3 Road since approximately 1953. The expansion of the use is on land newly added to the subject land through a boundary adjustment, approved by the Township's Committee of Adjustment on April 26, 2023. The land has not been actively used for agricultural purposes and the use is to be the same as the current property (salvage yard). With respect to subsection



(f), Township staff should be satisfied that the minimum distance separation formulae has been met.

As such, Regional staff is satisfied that the proposed ZBA application meets the applicable Provincial and Regional policies and offer no objection to the proposal, subject to the comments below.

## **Archaeological Resources**

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS policy 2.6.2 and NOP policy 6.4.2.1 state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

According to Schedule K of the NOP, the subject land is located within the mapped 'Area of Archaeological Potential'. Regional staff note that at the time of pre-consultation, staff did not require an archaeological assessment for the lands newly added to 8248 Concession 3 Road, or for the expansion of the use as there is no new site alteration / development proposed. In accordance with Policy 6.4.2.6 of the NOP, any future *Planning Act* applications within the area of archaeological potential may require an archaeological assessment.

## **Natural Environment System**

The pre-consultation meeting for this application was held prior to the approval of the NOP by the Minister of Municipal Affairs and Housing on November 4, 2022. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed (provided the application is submitted within two years of the approval of the NOP). Accordingly, the environmental policies of the previous Regional Official Plan ("ROP") apply to the proposed application

The subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of the Caistor Centre Complex Provincially Significant Wetland ("PSW"), and Significant Woodland. The property is also mapped as part of the Growth Plan (2019) Provincial Natural Heritage System ("NHS"). As such, these features are considered Key Natural Heritage Features ("KNHF") and Key Hydrologic Features ("KHF") and Growth Plan policies apply accordingly. There is also a watercourse on the property, but it was determined by Regional staff that it was not permanent or intermittent in nature and as such is not a Regionally designated CNHS feature.

September 1, 2023

Growth Plan policies typically require the completion of a Natural Heritage Evaluation ("NHE") when development and/or site alteration is proposed within 120 metres (m) of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study ("EIS") when development and/or site alteration is proposed within 120 m of PSW and 50 m of Significant Woodland. Further, Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone ("VPZ") as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation.

Based on observations made by staff on May 30<sup>th</sup>, 2023, and the nature of the application, staff do not object to the proposed ZBA provided that the PSW, Significant Woodland and their associated 30 m VPZs are placed within an appropriately restrictive environmental zone. Staff request that the proposed ZBA schedule be circulated prior to approval so that staff can confirm that environmental planning requirements have been adequately addressed.

## Conclusion

Staff of the Growth Strategy and Economic Development Department do not object to the proposal and is satisfied that the proposal is consistent with the *Provincial Policy Statement* and conforms to Provincial and Regional policies, subject to the proposed ZBA schedule being circulated prior to approval, in order to confirm that environmental features and their associated vegetation protection zones are placed within an appropriately restrictive environmental zone.

Please contact the undersigned at [Connor.Wilson@niagararegion.ca](mailto:Connor.Wilson@niagararegion.ca) or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca) should you have any questions related to the above comments. Please send the Notices of Decision on this Application when available.

Best Regards,



Connor Wilson  
Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region

**DATE:** September 11, 2023

**REPORT NO:** PD-46-2023

**SUBJECT:** **Recommendation Report – Amendment to Accessible Parking By-Law**

**CONTACT:** Jesse Paul, By-law Enforcement Officer  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- Our Current Accessible Parking By-Law has more requirements than the Provincial legislation requires, in regards to designating an accessible parking space.
- There have been numerous infractions this year with unauthorized parking in accessible spaces. Having the Township By-Law line up with Provincial designation requirements will ensure applicable fines will stand up if challenged.

**RECOMMENDATION:**

1. That, Recommendation Report PD-46-2023, regarding “Amendment to Accessible Parking By-Law”, dated September 11, 2023 be received; and,
2. That, the Accessible Parking By-law, 97-2020, as amended, be further amended by deleting and replacing the definition of an accessible parking space as listed in the Draft Amending By-law, as found at Attachment 1 to this report.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #1**

- **BUILD** - a safe, connected, caring and active community.

**BACKGROUND:**

The current By-Law for Accessible Parking spaces has wording that states that there must be adequate signage and markings on the ground. The Township currently does not have any accessible parking spaces on road allowances that are marked properly, in accordance with our current Accessible Parking By-law, with both markings on the ground and authorized signage. Painting on the ground for accessible parking spaces is not required under Provincial regulations, and therefore, staff are recommending to remove the reference to on ground/pavement markings.

### **CURRENT SITUATION:**

There was a challenge of a ticket recently where the Hearing Officer waived the ticket due to the current wording with the Township's Accessibility By-law regarding pavement markings on accessible parking spaces. This ticket was waived even though a person did wrongfully park in an accessible parking space without a permit.

After researching the Provincial requirements and discussing the matter with many other By-law Departments in the Niagara Region, it was highly suggested to remove wording in By-Law 97-2020, section 1.2.1(1).

Currently the wording of our by-law is as follows:

*“accessible parking space” means a parking space designated by pavement markings and authorized signs for the exclusive use of a vehicle displaying a permit in accordance with the requirements of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, the regulations made thereunder and this by-law;”*

Staff recommend the following with the highlighted areas above removed, as follows:

*“accessible parking space” means a parking space designated by authorized signs for the exclusive use of a vehicle displaying a permit in accordance with the requirements of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, the regulations made thereunder and this by-law;”*

### **FINANCIAL IMPLICATIONS:**

Not applicable to this report.

### **INTER-DEPARTMENTAL COMMENTS:**

Discussion occurred with other local municipality By-law departments and Township Planning, Building, and Clerks Department staff, along with, Senior Management.

### **CONCLUSION:**

Staff recommend that a by-law be passed to amend the Accessible Parking By-law to remove reference to on ground/pavement markings. A draft by-law is attached to this report.

### **ATTACHMENTS:**

1. Amended Accessible Parking Draft By-law

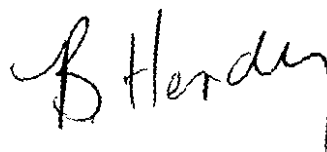
**Prepared & Submitted by:**



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**Jesse Paul,  
By-law Enforcement Officer**

**Approved by:**



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**Bev Hendry,  
CAO**



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**Brian Treble,  
Director of Planning & Building**

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

**BY-LAW NO. 2023 – XX**

**A BY-LAW TO AMEND BY-LAW 97-2020, AS AMENDED,  
BEING A BY-LAW TO AUTHORIZE CERTAIN PARKING,  
STANDING OR STOPPING OF VEHICLES OPERATED BY  
OR CONVEYING PHYSICALLY HANDICAPPED  
PERSONS ON ANY HIGHWAY AND TO AUTHORIZE AND  
REQUIRE THE PROVISION OF DESIGNATED PARKING  
SPACES FOR THE SOLE USE OF VEHICLES OPERATED  
BY OR CONVEYING PHYSICALLY HANDICAPPED  
PERSONS**

**WHEREAS** the Council of The Corporation of the Township of West Lincoln considers it desirable to amend By-law 97-2020 to capture the intent and spirit of the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended;

**AND WHEREAS** the most effective and efficient way to amend By-law 97-2020, as amended, is to delete and replace the existing language in Sentence 1.2.1 (1) to Section 1 - Definitions;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:**

1. That, Sentence 1.2.1 (1) to Section 1 - Definitions, of By-law 97-2020, be deleted and replaced with the following:

**1.2.1 For the purpose of this by-law:**

- (1) ***“Accessible Parking Space” shall mean a parking space designated by authorized signs for the exclusive use of a vehicle displaying a permit in accordance with the requirements of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, and the regulations made thereunder, and this by-law”;***

4. This by-law shall come into force and effect on October 1<sup>st</sup>, 2023.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
25<sup>th</sup> DAY OF SEPTEMBER, 2023**

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**MAYOR CHERYL GANANN**

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**JESSICA DYSON, CLERK**







**DATE:** September 11, 2023

**REPORT NO:** PD-47-2023

**SUBJECT:** **Recommendation Report - 167 St. Catharine Street  
Draft Plan of Condominium Extension Approval - 1 Year  
File No. 2100-086-17**

**CONTACT:** Brian Treble, Director of Planning & Building

**OVERVIEW:**

- An application was made on behalf of the owner of 167 St. Catharine Street to extend the Draft Plan approval of plan of condominium, originally approved in 2018 to 2025.
- Since 2018 a site plan application has been made and has been finalized but not signed. In addition, the property has changed ownership since the original application.
- The current draft plan approval expired on May 25, 2023.
- Previously applicants proposed changes to the plan. Since late 2022 the plan has been final but not signed and no securities have been deposited.
- The 2021 changes were to eliminate a buffer block on the north end which was originally required to provide a buffer to a regionally significant forest, however, the Region has determined that the woodlot should no longer be regulated.
- The second change was to relocate one of the units that faced St. Catharine Street and move it to the back of the property where the buffer block was originally located.
- The changes were minor and the site plan was essentially finalized, but not signed. Planning staff recommend extending the draft plan approval by another year, but not two at this time.

**RECOMMENDATION:**

1. That, report PD-47-2023, regarding “Recommendation Report, 167 St. Catharine Street Draft Plan of Condominium Extension Approval, File No. 2100-086-17” dated September 11, 2023, be received; and,
2. That, the Draft Plan approval for 167 St. Catharine Street BE EXTENDED for a period of one year, to expire on May 25, 2024, subject to the conditions found at Attachment 2 to this report; and,
3. That, a notice of extension be circulated to relevant agencies and departments.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme #2**

- **CHAMPION** Strategic responsible growth

## **BACKGROUND:**

The Draft Plan of Condominium Approval for 167 St. Catharine Street was originally given in June of 2018. The draft plan approved in 2018 included 20 townhouse units located on a private condominium street, west of Union Cemetery, north of Regional Road 20 and southeast of the former College Street School.

Under the *Planning Act*, Plans of Subdivisions and Condominiums can be draft approved, which ties a series of conditions to the approval that must be met prior to final approval and registration. Conditions can include road widening, parkland dedication and zoning approvals.

## **CURRENT SITUATION:**

The subject property was sold in 2020 and the new owner, 2724524 Ontario Ltd., modified the plan and worked to obtain site plan approval. The site plan process was finalized in late 2022, but the final site plan has not been signed and security deposits have not been provided to the Township. The applicants have requested an extension to their draft plan approval to allow them more time to complete the required conditions.

The applicant's two changes to the draft plan in 2021, including removing a buffer block to a former regionally significant woodlot, and relocating one dwelling unit from St. Catharine Street to where the buffer block used to be.

This is now the second extension of draft plan approval for this development. Staff recommend that this extension be approved, but advise that future extensions may not carry the same recommendation, in order to keep the project moving towards development, staff support a one-year extension to expire on May 25, 2024.

## **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

## **INTER-DEPARTMENTAL COMMENTS:**

This extension has not been circulated as there are no major changes proposed. The Region previously commented on the removal of the buffer block and had no objections.

## **CONCLUSION:**

An application for Draft Plan Approval extension has been made by 2724524 Ontario Ltd., owners of 167 St. Catharine Street. The current Draft Plan Approval expired on May 25, 2023. An emergency staff extension was granted to September 30<sup>th</sup>, 2023. The applicants have not submitted documentation to show that the conditions of approval are completed, and therefore an extension is required. Staff can recommend that a one-year extension be given and that the conditions of approval remain the same.

**ATTACHMENTS:**

1. Location Map
2. 167 St. Catharine Street Draft Approval Conditions

**Prepared & Submitted by:**



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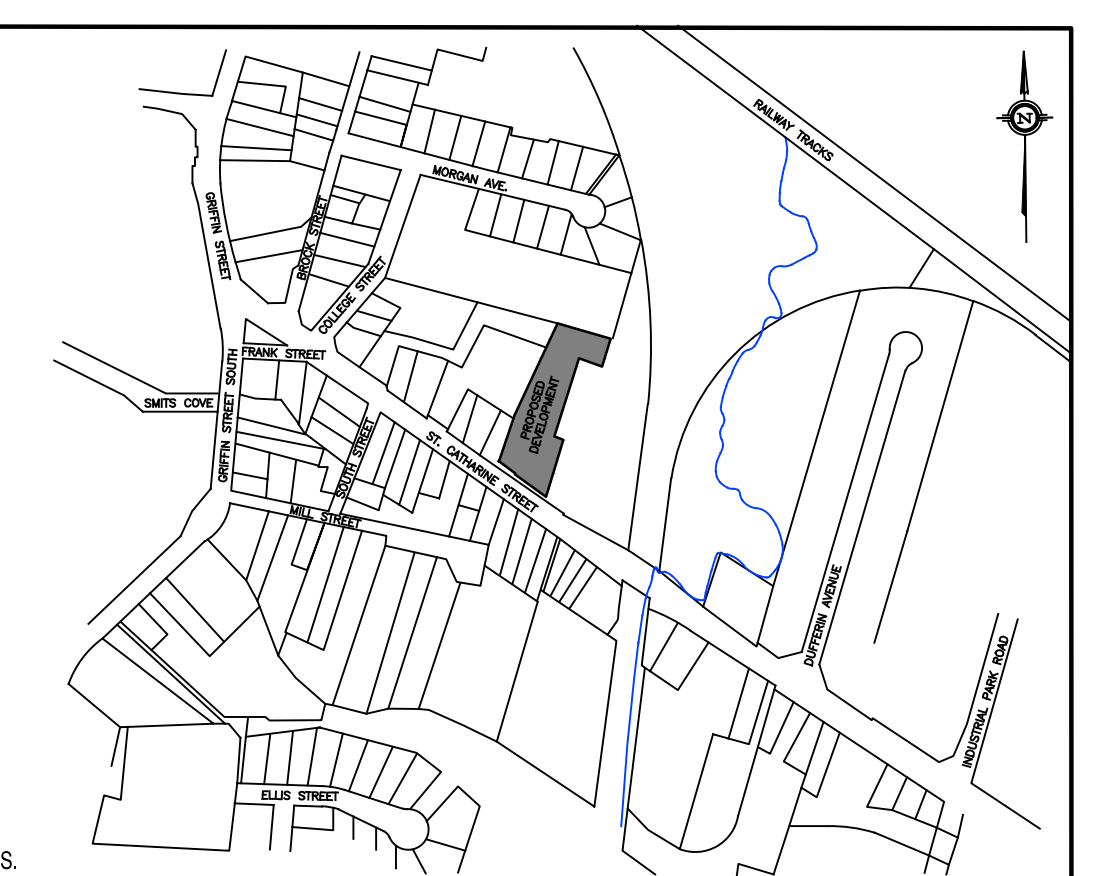
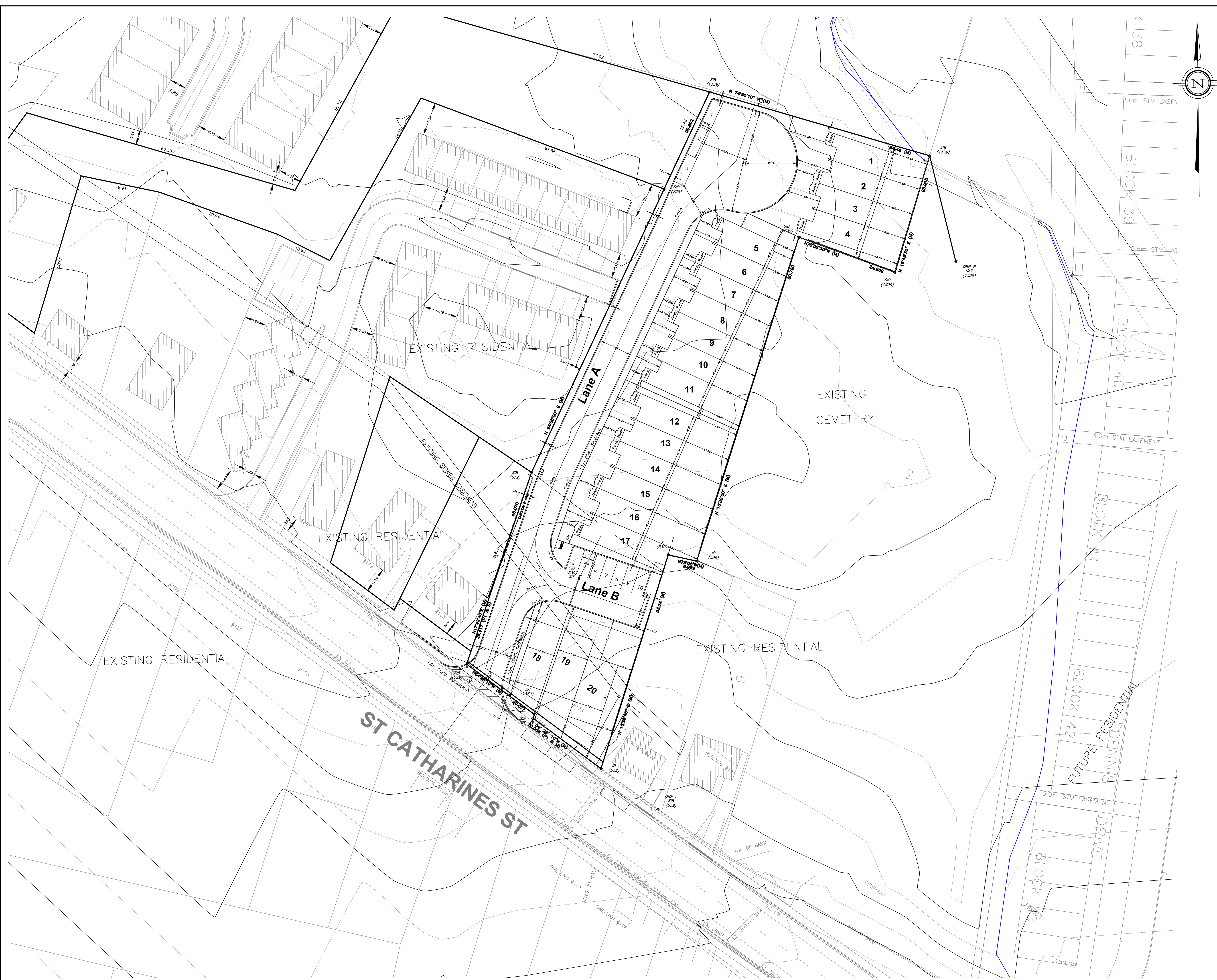
**Brian Treble**  
**Director of Planning & Building**

**Approved by:**

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**Bev Hendry**  
**CAO**





Keyplan  
Scale N.T.S.

Additional Information Required Under  
Section 51 (17) of the Planning Act  
(a)-(c) as shown  
(d) residential (street townhouses)  
(e)-(g) as shown  
(h) municipal water supply  
(i) clay  
(j) as shown  
(k) municipal storm and sanitary sewers  
(l) sewer easement

**OWNER'S CERTIFICATE**

I/we 2424568 Ontario Inc. being the registered owners of the subject lands described in this application, have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts and I hereby authorize Metropolitan Consulting Inc. to act in my stead in this matter.

Signatures \_\_\_\_\_ Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_  
Print Names \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I hereby certify that the boundary of the lands to be subdivided and their relationship to the adjacent lands are accurately and correctly shown on this plan.

SEPTEMBER 8, 2017  
DATE  
WILLIAM A. MASCOE  
ONTARIO LAND SURVEYOR


**LAND USE SCHEDULE**

USE	HECTARE	ACRE
TOWNHOUSES (Blocks 1-4)	0.405	1.003
ROAD WIDENING (Block 6 & 7)	0.004	0.001
COMMON AREA (ROAD & PARKING) (Block 8)	0.182	0.45
LANDSCAPING/OPEN AREAS (Block 5)	0.059	0.146
<b>TOTAL SITE AREA</b>	<b>0.65</b>	<b>1.60</b>

No.	DATE	BY	REVISIONS
1	2020/06	TPF	SANITARY EASEMENT ADDED

OWNER  
**2424568 ONTARIO INC.**  
5490 YOUNG STREET, SMITHVILLE  
ONTARIO, L0R 2A0  
PH. 905. 330 . 4261  
EMAIL . KELLYDEWING@GMAIL.COM

AGENT  
  
**4450 PALETTA COURT**  
BURLINGTON, ON L7L5R2  
TEL. 905.637.2926  
FAX. 905.637.3268  
EMAIL . ENGINEERING@METROCON.CA

MUNICIPALITY  
  
**West Lincoln**  
Your Future Naturally

LEGAL DESCRIPTION  
PART OF LOTS 47, 51 & 52, REGISTERED PLAN M90 IN THE TOWN OF SMITHVILLE, REGIONAL MUNICIPALITY OF NIAGARA

PROPERTY  
167 & 173 ST.CATHARINES STREET

TITLE  
DRAFT PLAN OF CONDOMINIUM

MCI FILE NO. T20006	SCALE 1: 400	DATE April 22, 2021
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File No.2000-086-17  
Attachment No. 2  
May 10, 2021

**167 ST. CATHARINES STREET**  
**TOWNSHIP OF WEST LINCOLN**  
**CONDITIONS OF FINAL APPROVAL (AMENDED)**

\*Amendments in **Bold**

The conditions for final approval and registration of **167 St. Catharines Street** Condominium, in the name of **2724524 Ontario Ltd.**, File No. 2000-086-17, Township of West Lincoln are:

1. **This decision applies to the 167 St. Catharines Street Plan of Vacant Land Condominium, Township of West Lincoln prepared by Metropolitan Consulting, and as attached to Report PD-56-21 as Attachment 2, containing a total of 20 units and common element area.**

**TOWNSHIP CONDITIONS:**

2. That the Owner provide to the Township of West Lincoln a letter advising that all lots conform to the requirements of the Township's Zoning By-law.
3. That the Zoning By-law Amendment receive final approval (expiry of the appeal period) prior to receiving final approval of the condominium.
4. That the Owner submit an application for Site Plan Approval for review and approval.
5. That the Owner dedicate 5% cash-in-lieu of parkland to the Township of West Lincoln, or alternately that adequate parkland be provided to the satisfaction of the Township.
6. That the Owner/Developer prepare a streetscape and landscape plan for this condominium plan in accordance with the requirements of the Township of West Lincoln. The streetscaping and landscaping details are to be shown on the general servicing plan, or a separate plan, as part of the required Site Plan Application.
7. That the condominium agreement or subsequent site plan/development agreement between the Owner/Developer and the Township of West Lincoln contain a clause in wording satisfactory to the Regional Public Works Department (Development Services Division) requiring the Owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of development.
8. That the proposed street(s) be constructed to the satisfaction of the Township of West Lincoln.
9. That the street naming fee be provided and the proposed streets be named to the satisfaction of the Township of West Lincoln.

10. That the Owner provides fire route signs and no parking signs in locations approved by the Township of West Lincoln.
11. That the Owner/Developer submit all servicing, lot grading, drainage, roadway plans and supporting design calculations to the Township of West Lincoln as part of the site plan application for review by other relevant agencies for review and approval.
12. That all municipal services required by the Township of West Lincoln be provided by the Owner/Developer in a manner satisfactory to the Township.
13. That the Condominium Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
14. That the Owner/Developer agrees in writing to satisfy all the requirements, financial and otherwise, of the Township of West Lincoln concerning, and without limiting the generality of the foregoing, the provision of roads, installation of services, drainage and hydro services, as may be determined by the pre-servicing report to be submitted by the Owner to the Township of West Lincoln for approval.
15. That the applicant confirm to the satisfaction of the Township Public Works Department that there is sufficient servicing capacity available to the subject lands, including water and sanitary.
16. That the Owner agrees in the Site Plan Agreement to pay all development charges to the Township of West Lincoln in accordance with the Township's Development Charges By-law.
17. That sidewalks be provided along one side of Lane A within the development to standard requirements of the Township of West Lincoln.
18. That prior to approval of the final plan, through the site plan application, the owner submit to the NPCA and the Township of West Lincoln a detailed stormwater management plan for the development completed by a qualified engineer and prepared in accordance with the MOECC Stormwater Management Practices, Planning and Design Manual, (as amended). This will include any oil/grit separator sizing detail.
19. That detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Conservation Authority and the Township for review and approval through site plan approval.
20. That the site plan agreement include a requirement that the owner provide a cash payment of \$5,000 to be dedicated to a new pedestrian crossing for Regional Road 20.
21. That the Owner submit an Urban Design Brief Report to show how the units fronting St. Catharines Street (Regional Road 20) will be aligned with the Township's Urban Design Manual, to the satisfaction of the Director of Planning.

REGIONAL CONDITIONS:

22. That the following warning clause shall be included in the condominium agreement between the Owner/Developer and the Township of West Lincoln and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

“Purchasers/Tenants are advised that due to the proximity of this development to industrial lands to the north, may result in impacts (e.g. noise, dust and/or odour) that may occasionally interfere with some activities of the dwelling occupants”.

23. That the condominium agreement between the owner and the Township contain provisions whereby the owner agrees to implement the approved noise mitigation measures as recommended in the Environmental Noise Impact Study prepared by dBA Acoustical Consultants Inc., dated December 2016.

24. That prior to approval of the final plan or any on-site grading, the owner submits to the Niagara Region for review and approval two copies of a detailed stormwater management plan for the condominium and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the MOECC documents entitled Stormwater Management Planning and Design manual, March 2003 and Stormwater Quality Guidelines for New Development, June 1991:

- a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.

Note: The Region will request that the Niagara Peninsula Conservation Authority Review the stormwater management and other related plans on the Region's behalf and submit comments to the Niagara Region regarding the approval of these plans and the subsequent clearance of related conditions by Regional staff. A technical review fee is applicable.

25. That the Condominium Agreement or site plan between the owner and the Township of West Lincoln contain provisions whereby the owner agrees to implement the approved stormwater management, erosion and sedimentation control measures required in accordance with Condition 24.

26. That the following warding clause should be included in the Condominium Agreement:

“Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport in London (519-675-7742) and the owner's consulting archaeologist shall be notified immediately. In the event that human remains are encountered during construction, the owner should immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of

Small Business and Consumer Services in Toronto (416-326-8392), the Ministry of Tourism, Culture and Sport and the owner's consulting archaeologist."

27. That the owner dedicates a road widening (Block 6), free and clear of any mortgages, liens or other encumbrances, to the Regional Municipality of Niagara along the frontage of Regional Road 20 (St. Catharines Street) to the satisfaction of the Niagara Region. All costs for the providing the necessary survey plan and all related documents are the responsibility of the applicant.
28. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for the sanitary systems required to service this development to the Niagara Region and obtain Ministry of Environment Compliance Approval under the Transfer of Review Program.
29. That prior to final approval for registration of this plan of condominium, the operation and maintenance of the sanitary sewer on the Regional Right-of-Way be addressed to the satisfaction of the Niagara Region.
30. That the owner promptly acknowledges that draft approval does not include a commitment of servicing allocation by the Niagara Region as this servicing allocation will be assigned at the time of final approval of the condominium for registration purposes and any pre-servicing will be at the sole risk/responsibility of the developer.
31. That the owner promptly provide the Niagara Region with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this condominium, shall contain a clause clearly indicating that a servicing allocation for this condominium will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the condominium agreement between the owner and the Township.
32. That prior to final approval for registration of this plan of condominium the owner shall submit the design drawings [with calculations] for the storm drainage/stormwater management and external storm sewer systems required to service this development to ensure the existing system is adequate to accommodate the flows from this development. If the existing storm sewer is needs to be resized to accommodate this development the owner will have to obtain Ministry of Environment Compliance Approval under the Transfer of Review Program.
33. That, prior to any construction taking place within the Regional road allowance, the developer shall obtain a Regional Construction Encroachment and/or Entrance Permit from the Niagara Region Transportation Division. Any application to the Niagara Region shall include Township of West Lincoln approvals for on-street parking removal and sight-line diagram for the proposed access.
34. The condominium agreement shall include a clause that the owner agrees that in all Agreements of Purchase and Sale or Lease for all Units inclusive to service closing, shall include the following warning clause:



“Purchasers/Tenants are advised that waste pick-up for this development will be provided by the owner/corporation since the site layout of this development does not permit waste collection per Regional Niagara Policy C3.007 – Requirements for Commencement of Collection for New and Redevelopments.”

35. That the condominium agreement between the owner and the Township of West Lincoln contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
36. That the Urban Design Brief, prepared by Metropolitan Consulting Inc., be revised to address the following:
- The Urban Design Brief should indicate and demonstrate that the proposal is guided and informed by the West Lincoln council endorsed Smithville Urban Design Manual.
  - The Urban Design Brief should include a site design concept demonstrating the application of the Smithville Urban Design Manual guidelines to the design by showing building placement and orientation, placement of driveways, placement of walkways, and intent of landscape areas, and the intent of interface with the public realm.
  - The architectural design of the 4 townhouse units known as Block 4 as these are the units that are most visible from the public realm. The design of these units will be reviewed in detail at the Site Plan stage. However, at this stage, the urban design brief should demonstrate intent by providing concepts and visuals that demonstrate the intent of the architectural design of the facades when interfacing the public realm. The addition of conceptual elevations of the 4 units facing the public realm is suggested. Equally, a demonstration of the interface between these units and the public realm – potentially – in the form of a concept site design.
  - At this early stage of design, it is suggested the development include provision for a safe and barrier free walkway connection from the public sidewalk to the units at the rear of the property.

NIAGARA PENINSULA CONSERVATION AUTHORITY CONDITIONS:

37. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, grading, storm servicing, stormwater management, and construction sediment control drawings.
38. That the Developer incorporate the following mitigation measures, as outlined in the Environmental Impact Study (prepared by GeoProcess Research Associates Inc., dated March 3, 2017) into the applicable engineering/site plan drawings, to the satisfaction of the Niagara Peninsula Conservation Authority:
- a. That all outdoor lighting is composed of lighting standards which direct all light downward and away from any natural areas.
  - b. That bird-friendly design techniques are used on all walls that face toward the woodland feature.

- c. Topsoil removed during stripping is recommended for reapplication post-construction.
- d. That the Grading Plan designate specific locations for stockpiling of soils and other materials which will be a minimum of 30 metres from the dropline of any trees to be retained.

**(CONDITION REQUIRING IMPLEMENTATION OF TREE PRESERVATION PLAN REMOVED)**

- 39. That Conditions 37 to 38 above be incorporated into the Site Plan Agreement between the Developer and the Township of West Lincoln, to the satisfaction of the Niagara Peninsula Conservation Authority. The Township of West Lincoln shall circulate the draft Site Plan Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

**NIAGARA PENINSULA ENERGY INC. CONDITIONS:**

- 40. That the developer enters into a service agreement with Niagara Peninsula Energy Inc. (NPEI) to service the development. All costs associated with the supply of electrical services within the boundaries of the mentioned site will be borne by the developer.
- 41. That should NPEI be required to alter the existing distribution system in order to supply the area in question, they will require advanced notice of the development status. Alterations to the existing distribution system may require a separate capital contribution from the developer.

**CANADA PACIFIC (CP) RAIL CONDITIONS:**

- 42. That, the following clause be inserted in all offers to purchase, agreements or purchase and sale or lease and in the title deed or lease of each unit:

“Warning: Canadian Pacific Railway Company or its assigns or successors in interest have a rights-of-way within 300m from the land the subject hereof. There may be alterations to, or expansions of, the railway facilities on such rights-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 including of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

**UTILITY COMPANY CONDITIONS:**

- 43. That the appropriate utility company confirm that satisfactory arrangements, financial and otherwise, have been made for telephone facilities serving this draft plan of condominium which are required by the Municipality to be installed underground; information on the utility company involved and the required confirmation shall be forwarded to the Municipality.

44. That, the Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

CANADA POST CONDITIONS:

45. The Owner shall complete to the satisfaction of the Director of Planning of the Township of West Lincoln and Canada Post:
- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
    - 1. That the home/business mail delivery will be from a designated Centralized Mail Box
    - 2. That the developers/owners be responsible for officially notifying the purchasers of the exact centralized Mail Box locations prior to the closing of any home sales.
  - b) The owner further agrees to:
    - 1. Work with Canada post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the condominium.
    - 2. Install a concrete pad in accordance with the requirements of an in locations to be approved by Canada post to facilitate the placement of Community Mail Boxes
    - 3. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of condominium.
    - 4. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
    - 5. Maps are also to be predominantly displayed in the sales office(s) showing specific Centralized Mail Facility Locations.
  - c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (lock box assembly) at their own expense (less than 100 units will require a front loading lock box assembly) will be in the affect for buildings and complexes with a common lobby, common indoor or sheltered space.

LAPSING CONDITION:

46. That if final approval is not given to this plan within **THREE YEARS** of the approval date and no extensions have been granted draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required together with a resolution from the Township, must be received by the Township prior to the lapsing date.

**CLEARANCE OF CONDITIONS**

Prior to granting approval of the final plan, the Township's Planning Department will require WRITTEN notification from the following agencies that their respective conditions have been met satisfactorily:

- **The TOWNSHIP OF WEST LINCOLN PLANNING DEPARTMENT & PUBLIC WORKS DEPARTMENT** – Conditions 1 to 21 (inclusive),
- **REGIONAL PLANNING AND DEVELOPMENT SERVICES DEPARTMENT (DEVELOPMENT SERVICES DIVISION)** – Conditions 22 to 36
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** – Conditions 37 to 39
- **NIAGARA PENINSULA ENERGY INC** – Conditions 40 to 41
- **CP Rail** – Condition 41
- **Utilities** – Condition 43 & 44
- **Canada Post Condition** – Condition 45

**NOTES:**

**1. Conveying**

- (a) As the land mentioned above to be conveyed to the municipal corporation may be more easily described in the conveyance by reference to a Registered Plan than by “metes and bounds”, we suggest that the description be so worded, and,
- (b) We further suggest that the Owner give to the municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

**2. Land Required to be Registered Under the Land Titles Act**

- (a) Section 160(1) of The Land Titles Act, which requires all new plans be registered in the land titles system;
- (b) Section 160(2) – allows certain exceptions.

**3. Water and Sewerage Systems**

Inauguration or extensions of a piped water supply, a sewerage system, a storm drainage system or a stormwater management system is subject to approval of the Ministry of Environment (Approvals Branch) pursuant to Section 52 and Section 53 of The Ontario Water Resources Act, R.S.O. 1990.

**4. Agencies to be Contacted:**

(a) With respect to the requirements of the Township of West Lincoln Planning Department contact:

Mr. Brian Treble  
Director of Planning and Building  
318 Canborough Street  
P.O. Box 400  
Smithville, Ontario  
L0R 2A0  
Telephone – (905) 957-3346 ext. 5138  
FAX – (905) 957-3219

(c) With respect to the requirements of the Regional Planning and Development Services Department (Development Services Division) contact:

Mr. Phill Lambert  
Associate Director, Infrastructure Planning and Engineering  
1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, Ontario  
L2V 4T7  
Telephone – (800) 263-7215  
FAX – (905) 687-8056

(d) With respect to the requirements of the Regional of Niagara Planning Department contact:

Mr. Pat Busnello  
Associate Director, Development Planning and Urban Design  
1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, Ontario  
L2V 4T7  
Telephone – (905) 980-6000 ext. 3379  
FAX – (905) 641-5208

(e) With respect to the requirements of the Niagara Peninsula Conservation Authority contact:

Mr. David Deluce, MCIP, RPP  
Acting Manager, Plan Review and REgulations  
250 Thorold Rd. W., 3<sup>rd</sup> Floor  
Welland, Ontario  
L3C 3W2  
Telephone - (905) 788-3135 ext. 224



FAX - (905) 788-1121

(f) With respect to the requirements of Niagara Peninsula Energy Inc.:

Ms. Cathy Robins  
Operation Manager  
4548 Ontario Street, Unit 2  
Beamsville, Ontario  
L0R 1B5  
Telephone 905-563-5550  
Fax 905-563-0838

(g) With respect to the requirements of Canada Post:

Mr. David Kyle  
Canada Post Corporation  
Delivery Planning  
955 Highbury Avenue North  
London, ON N5Y 1A3

## 5. Review of Conditions

Applicants are advised that should any of the conditions appear unjustified or their resolution appears too onerous, they are invited to bring their concerns to the General Committee's attention. The Committee will consider requests to revise or delete conditions.

In order to assist the agencies listed above in clearing conditions for final approval and registration of the plan, it may be useful to forward executed copies of the Condominium Agreement between the Owner and the Township to those agencies.

## 6. Hydro One Cautionary Note

An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors could raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating “**DANGER – Overhead Electrical Wires**” in all locations where personnel and construction vehicles might come in close proximity to the conductors.