



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

**MEETING NO. NINE**

**Monday, November 13, 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. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

**2. 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:

2.1 Director of Planning & Building (Brian Treble) & CAO (Bev Hendry)

Re: Planning & Building Department Staffing Update

**VERBAL UPDATE**

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

- personal matters about an identifiable individual, including municipal or local board employees
- labour relations

2.2 Councillor Rehner

Re: Staffing Concerns

**FOR DISCUSSION**

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

- personal matters about an identifiable individual, including municipal or

local board employees

- labour relations

2.3 CAO (Bev Hendry)

Re: CAO Performance Review Presentation

**FOR INFORMATION**

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

- personal matters about an identifiable individual, including municipal or local board employees
- labour relations

**RECOMMENDATION:**

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

**2.1 ITEM P76-23**

Director of Planning & Building (Brian Treble) & CAO (Bev Hendry)

Re: Planning & Building Department Staffing Update

**VERBAL UPDATE**

**2.2 ITEM P77-23**

Councillor Rehner

Re: Staffing Concerns

**FOR DISCUSSION**

**2.3 ITEM P78-23**

CAO (Bev Hendry)

Re: CAO Performance Review Presentation

**FOR INFORMATION**

**3. 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.

4. **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.

Public Meeting(s)

5. **PUBLIC MEETING(S)**

There are no public meetings.

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

7. **APPOINTMENTS**

There are no appointments.

8. **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.

9. **CONSENT AGENDA ITEMS**

There are no consent agenda items.

10. **COMMUNICATIONS**

There are no communications.

11. **STAFF REPORTS**

11.1 **ITEM P79-23**

Chief Building Official (John Bartol) and Director of Planning & Building (Brian Treble)

Re: Information Report PD-55-2023 - Parking Enforcement for 2023/2024 – Winter Season

**RECOMMENDATION:**

That, Information Report PD-55-2023, regarding “Parking Enforcement

for 2023/2024 – Winter Season”, dated November 13, 2023 be received.

**11.2     ITEM P80-23** 9

Director of Planning & Building (Brian Treble)  
Re: Information Report PD-58-2023 - Ongoing Provincial Land Use Planning Changes

**RECOMMENDATION:**  
That, Information Report PD-58-2023, regarding “Ongoing Provincial Land Use Planning Changes”, dated September 11, 2023 be received.

**11.3     ITEM P81-23** 28

Director of Planning & Building (Brian Treble)  
Re: Information Report PD-57-2023 - Township of West Lincoln Official Plan 5 Year Review

**RECOMMENDATION:**  
That, Information Report PD-57-2023, regarding “Township of West Lincoln Official Plan 5 Year Review”, dated November 13, 2023 be received.

**11.4     ITEM P82-23** 36

Director of Planning & Building (Brian Treble)  
Re: Recommendation Report PD-56-2023 - Request for Policy Considerations Relating to Backyard Chickens

- RECOMMENDATION:**
- 1. That, Recommendation Report PD-56-2023, regarding “Request for Policy Considerations Relating to Backyard Chickens”, dated November 13, 2023 be received; and,
  - 2. That, staff be and are hereby authorized to hold a public meeting at a future Planning, Building, Environmental Committee meeting on the request to consider that non-farmers and urban/hamlet residents be permitted to house backyard chickens and that adequate notice be provided for such purposes and that deliberations relate to details around restrictions, permitted locations, etc.

**11.5     ITEM P83-23** 39

Director of Planning & Building (Brian Treble)  
Re: Recommendation Report PD-59-2023 - Legion Villa Affordable Housing Development – Request to Waive Planning Fees

- RECOMMENDATION:**
- 1. That, Recommendation Report PD-59-2023, regarding “Legion Villa Affordable Housing Development - Request to Waive Planning Fees”, dated November 13, 2023 be received; and,
  - 2. That, Council direct staff to include an Affordable Housing



Community Improvement Plan in the 2024 budget; and,

3. That, the pre-consultation fee, which has not been paid, be and is hereby waived while the remainder of this request should await the outcome of the CIP process.

**11.6 ITEM P84-23**

49

Director of Planning & Building (Brian Treble)

Re: Recommendation Report – PD-60-2023 - Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendment No. 7 (File No. 1601-007-23)

**RECOMMENDATION:**

1. That, Report PD-60-2023, regarding “Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendment No.7 (File No. 1601-007-23)”, dated November 13, 2023 be RECEIVED; and,
2. That, the Zoning Bylaw Amendment – Housekeeping 7, be approved in accordance with the attached Amending Zoning By-law; 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.

**12. OTHER BUSINESS**

**12.1 ITEM P85-23**

Director of Planning & Building (Brian Treble)

Re: Ontario Land Tribunal (OLT) - Helen Kszan (File No.22-00280)

**VERBAL UPDATE**

**12.2 ITEM P86-23**

Director of Planning & Building (Brian Treble)

Re: Avertex Hydrovac Request

**VERBAL UPDATE**

**12.3 ITEM P87-23**

Members of Committee

Re: Other Business Matters of an Informative Nature

**13. 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).

**14. ADJOURNMENT**

**DATE:** November 13, 2023

**REPORT NO:** PD-55-2023

**SUBJECT:** **Information Report – Parking Enforcement for 2023/2024 – Winter Season**

**CONTACT:** John Bartol, Chief Building Official  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- The Winter Parking enforcement season is upon us once again.
- This is always a challenging time when we try to balance the needs of residents for parking locations against the needs of the Township for street clearance and maintenance abilities.
- In 2021, staff wrote report PD-126-2021 which recommended for a number of reasons that enforcement of on street parking be focused on snow events/weather advisories.
- These terms were agreed to be interpreted as meaning “any accumulation of snow that sticks to a roadway”.
- Staff propose to enforce in this same manner for the 2023/2024 season. By-law staff will work closely with Public Works Staff to assist with the ticketing of vehicles left on the road during a snow event/weather advisory. Further, By-law staff will be proactive during these events.
- This report is written to inform Committee and Council of this approach and to not focus on the enforcement of overnight 2am-6am enforcement regardless of weather conditions.

**RECOMMENDATION:**

1. That, Information Report PD-55-2023, regarding “Parking Enforcement for 2023/2024 – Winter Season”, dated November 13, 2023 be received.

**ALIGNMENT TO STRATEGIC PLAN:**

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

**BACKGROUND:**

Parking enforcement has been an ongoing topic that has been a challenge to enforce in an acceptable manner each winter season. Many residents want the streets cleared of vehicles while others believe that they have a right to park on the street and/or have a need for on-street parking.

Gradually, By-law Staff have been determining that the main focus of parking enforcement in the winter months is best focused on keeping streets clear so that snow plows and salters etc., can travel the streets and perform their duties without restriction during snow events. On street parking enforcement is a “growing pain” that is experienced in most Ontario communities, but enhanced in communities without a transit system.

Numerous reports and numerous approaches to enforcement have been considered over the preceding years, all focused on ensuring that the street is usable and safe at all times by the travelling public while not allowing residential properties to become a sea of parking lots.

#### **CURRENT SITUATION:**

The winter parking season is always a tough time where staff try to balance the needs of residents for parking locations against the needs of the Township for street clearance and maintenance.

In 2021, staff wrote report PD-126-2021 which recommended for a number of reasons that enforcement of on street parking be focused to snow events/weather advisories. These terms were agreed to be interpreted as meaning “any accumulation of snow that sticks to a roadway”.

Staff propose to enforce this in some measure for the 2023/2024 season. By-law staff will work closely with Public Works Staff to assist with the ticketing of cars left on the road during a snow event/weather advisory. Further, By-law staff will be proactive during these events.

#### **FINANCIAL IMPLICATIONS:**

Staff will adjust their hours to account for enforcement during snow events. Some additional overtime will be required from time to time by By-law Staff as they attempt to assist Public Works staff with street clearing efforts.

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

By-law Staff have had discussions with Public Works Staff about this approach and have posted notices in local papers, Township website and Township electronic signs in front of Town Hall and the Community Centre to provide as much notice as possible to the public.

#### **CONCLUSION:**

Staff propose to enforce on street parking during snow events/weather advisories, meaning during any event whereby snow accumulation upon the roadways is occurring. This report is written for the information of Committee and Council.

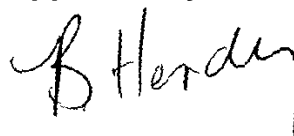
**Prepared & Submitted by:**



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**John Bartol**  
Chief Building Official

**Approved by:**



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**Bev Hendry**  
CAO



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**Brian Treble**  
Director of Planning & Building

**DATE:** November 13, 2023

**REPORT NO:** PD-58-2023

**SUBJECT:** Information Report – Ongoing Provincial Land Use Planning Changes

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

**OVERVIEW:**

- Provincial, Regional and local land use planning continues to experience rapid change. Sometimes there is undoing of previous hasty decisions. Staff are not here to judge, just inform on current Provincial changes as they affect West Lincoln.
- First, is letter from the new Minister of Municipal Affairs and Housing advising that modifications made to the Region of Niagara Official Plan, before it was approved on November 4<sup>th</sup>, 2022 may be undone (see Attachment 1). This appears to affect urban boundary/greenbelt adjustments in Grimsby and Niagara Falls, it is believed that the West Lincoln municipal comprehensive review study as reflected in OPA 62 and 63 documents is safe. Unfortunately, the detail on the letter is not clear and discussions amongst area planners is scheduled for the meeting on November 10, 2023. Further detail will be gathered which then can be verbally shared with Committee at the Planning, Building, Environmental Committee meeting.
- Second, legislation has been introduced that proposed to “fix” the Greenbelt in legislation for perpetuity (see Attachment 2). This exercise might help take the politics out of the Greenbelt and does not appear to change anything in West Lincoln. Our Greenbelt lands are north and east of Thirty Road and Young Street and remain as previously designated.
- Third, recently the Province presented proposed changes to the definition of an Affordable Residential Unit (see Attachment 3). Watson and Associates are currently in the in the process of completing background study work for our Development Charges by-law review which must be replaced in 2024. They will inform us of the final Provincial changes and how they affect our future ability to collect development charges.
- Fourth, the Provincial and Federal Government have announced that PST and GST (HST) will be removed from all rental housing units so as to encourage construction of rental housing (see Attachment 4).
- This information report is written to keep Committee and Council briefed on current actions of the Province.
- This may require that we generate a letter to the Minister, to be signed by the Mayor. Staff and Mayor will keep Committee and Council informed.

## **RECOMMENDATION:**

1. That, Information Report PD-58-2023, regarding “Ongoing Provincial Land Use Planning Changes”, dated September 11, 2023 be received.

## **ALIGNMENT TO STRATEGIC PLAN:**

- **Champion** strategic and responsible growth

## **BACKGROUND:**

Over the past five years we have seen unprecedented changes to various operating acts for municipalities including the Municipal Act, Planning Act, Building Code Act, Heritage Act, Development Charges Act, and Conservation Authorities Act to name the obvious ones. Most changes have been to streamline approval processes and get more houses built quicker. Despite all these changes, housing starts are not anywhere near the numbers needed to achieve 1.5 million new housing units in 10 years. This is at a time when there is talk of a potential for an economic slowdown and rising deficiencies.

Now is a good time to get planning approvals in place such that when a healthy economy returns, we will then see housing starts pick up again.

## **CURRENT SITUATION:**

Provincial planning continues to experience rapid change. Sometimes there are discussions to undo previous hasty decisions. Staff are not here to judge, just inform on current Provincial changes as they affect West Lincoln.

Township staff and the Mayor received a letter from the new Minister of Municipal Affairs and Housing (Attachment 1) advising that modifications made to the Region of Niagara Official Plan, before it was approved on November 4<sup>th</sup>, 2022 may be undone. This appears to affect urban boundary/greenbelt adjustments in Grimsby and Niagara Falls, but it appears that the West Lincoln municipal comprehensive review project as reflected in OPA 62 and 63 documents are safe. Unfortunately, the detail on the letter is not clear and discussions amongst area planners is scheduled for the meeting on November 10, 2023. Further detail will be gathered which then can be verbally shared with Committee at the Planning, Building, Environmental Committee meeting.

Also, legislation has been introduced that proposes to “fix” the Greenbelt in legislation for perpetuity (Attachment 2). This exercise might help take the politics out of the Greenbelt and does not appear to change anything in West Lincoln. Our Greenbelt lands are north and east of Thirty Road and Young Street and remain as previously designated.

Recently the Province presented proposed changes to the definition of an Affordable Residential Unit (Attachment 3). Watson and Associates are currently in the process of completing background study work for our Development Charges by-law which must be replaced in 2024. They will inform us of the final Provincial changes and how they affect our future ability to collect development charges.

The Provincial and Federal Government have also announced that PST and GST (HST) will be removed from all rental housing units so as to encourage construction of rental housing (Attachment 4).

**FINANCIAL IMPLICATIONS:**

Not applicable to at this time. The Definition of Affordable Residential Unit will affect development charges that will be able to be collected in the future and will be discussed in the Development Charges background study work.

**INTER-DEPARTMENTAL COMMENTS:**

Staff have been discussing changes with Area Planners and the Commissioners of Regional Planning.

**CONCLUSION:**

This report is written to keep Committee and Council updated on recent announcements of the Province as they may affect the Township of West Lincoln Planning Department and planning approvals.

**ATTACHMENTS:**

1. Letter from the new Minister of Municipal Affairs and Housing
2. Legislation Re: Greenbelt
3. Proposed Changes to the Definition of an Affordable Residential Unit
4. Removal of PST and GST (HST) for Rental Housing

**Prepared & Submitted by:**



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**Brian Treble**  
Director of Planning & Building

**Approved by:**

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**Bev Hendry**  
CAO

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre  
777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7000



234-2023-5307

November 2, 2023

**Re: Announcement Impacting Provincial Decisions on Municipal Official Plans/  
Official Plan Amendments**

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Dear Sir, Madam:

Since becoming the Minister of Municipal Affairs and Housing, I have made it a priority to review past decisions related to land use planning, including official plans and minister's zoning orders, to ensure that these earlier decisions support our goal of building at least 1.5 million homes in a manner that maintains and reinforces public trust.

In November 2022 and April 2023, the ministry issued decisions on official plans impacting the cities of Barrie, Belleville, Guelph, Hamilton, Ottawa and Peterborough, the regional municipalities of Halton, Niagara, Peel, Waterloo and York, and Wellington County. As a result of my review of these decisions, on October 23, 2023, I announced my intent to introduce legislation as soon as possible that would reverse the province's changes to these plans.

For clarity, the proposed legislation will, if passed, bring into effect the official plans or official plan amendments as adopted by municipal council without provincial modifications, except for any modifications that are necessary to protect matters of public health and safety, or which are required to align with legislation or regulations.

The ministry appreciates that the decisions that were made in November 2022 and April 2023 are currently in effect, and I understand that many municipalities are working to actively implement the decisions. I also appreciate that productive collaboration and coordination between the ministry and your municipality is going to be needed to ensure clarity going forward.

As stated in my announcement on October 23, 2023, we are providing 45 days for municipalities to submit information about the modifications to the official plans that were originally submitted to the Ministry, including:

1. Circumstances or projects where construction has already begun in relation to the official plan or official plan amendment decisions, particularly those projects that are directly reliant on the modifications made to the plan through the ministry's decision; and



2. If there are changes that the municipality would like to see made to the official plan, based on the modifications that the province had previously made, and which you support. Lower-tier municipal feedback on the original official plan submitted to the province will be important to supporting its implementation.

We are asking mayors of impacted single and lower tier municipalities to submit this feedback, including proposed changes and updates to the official plans/official plan amendments, to ministry staff **by December 7, 2023**. Please submit feedback to the following email address: [MMAHOfficialPlans@Ontario.ca](mailto:MMAHOfficialPlans@Ontario.ca).

To ensure the province receives the necessary feedback within the 45-day window, we will accept changes directly from heads of council of single and lower-tier municipalities, including to official plans that were originally submitted with council endorsements from upper-tier municipalities. Heads of council may choose to seek a council endorsement of their proposed changes, but that is not required.

While I intend to introduce legislation prior to the conclusion of the 45-day period, please rest assured that municipal feedback received during the 45-day window, and through consultation on the legislation, will be carefully considered to determine the best approach for moving forward, including if further legislative steps or the use of other provincial tools are required.

We are also interested in receiving information and supporting documentation that outlines related planning costs that may have been incurred by your municipality arising out of the provincial decisions. This information can be submitted to the ministry outside of the 45-day window through municipal staff.

Official plans are an important tool for addressing Ontario's shortage of housing. To that end, as you prepare your feedback, I encourage you to ensure your proposed approach to meet your housing targets is ambitious and reflective of the serious need to get more homes built quickly. In particular, I encourage you to look for opportunities to systematically increase density and align this density with existing and planned transit within your municipality. Getting more homes built faster will help more people in your municipality find a home that meets their needs and budget and help municipalities access funding under Ontario's all-new \$1.2 billion Building Faster Fund.

If your staff have questions or concerns, ministry staff are available to discuss this matter further. Please have municipal staff contact the ministry at the email address above and we will connect you with the relevant staff in my ministry.

Thank you,



Hon. Paul Calandra  
Minister of Municipal Affairs and Housing

# Proposal to return lands to the Greenbelt - Greenbelt Statute Law Amendment Act, 2023

**ERO number**

019-7739

**Notice type**

Act

**Posted by**

Ministry of Municipal Affairs and Housing

**Notice stage**

Proposal

**Proposal posted**

October 16, 2023

**Comment period**

October 16, 2023 - November 30, 2023 (45 days) Open

**Last updated**

October 16, 2023

This consultation closes at 11:59 p.m. on:

**November 30, 2023**

[Submit a comment](#)

[Follow this notice](#)

## Proposal summary

The Ministry is seeking feedback on a proposal to introduce legislation that would restore the 15 parcels of land that were redesignated or removed from the Greenbelt in late 2022.

The *Greenbelt Statute Law Amendment Act, 2023*, if passed, would ensure any future boundary changes are made through an open, public and transparent legislative process.

## On this page

1. [Proposal details](#)
2. [Supporting materials](#)
3. [Comment](#)
4. [Connect with us](#)

## Proposal details

In December 2022, in order to accommodate Ontario's expected growth and support the building of more homes, the government removed or redesignated 15 areas of land totaling approximately 7,400 acres from the edge of the Greenbelt Area ([ERO Posting 019-6216: Proposed Amendments to the Greenbelt Plan](#)). At the same time, a portion of the Paris Galt Moraine was added to the Greenbelt, along with 13 Urban River Valley areas ([see ERO Posting 019-4485: Growing the size of the Greenbelt](#)), totaling 9,400 acres, for an overall expansion of approximately 2000 acres.

The government has acknowledged that the process for the 2022 Greenbelt removals was too fast and not sufficiently transparent.

In response to the feedback from Indigenous communities, the public, municipalities and stakeholders the government has introduced proposed legislative amendments that would:

Add 15 sites back to the Greenbelt that were removed/redesignated in December 2022 by incorporating the description of the Greenbelt Area and Oak Ridges Moraine Area boundaries directly into the legislation

- Eliminate the authority to add or remove lands to/from the Greenbelt Area and Oak Ridges Moraine Area by regulation so that any future amendments to these Areas would require legislative change to the *Greenbelt Act* or the *Oak Ridges Moraine Conservation Act*
- Revoke the existing *Greenbelt Area boundary regulation (Ontario Regulation 59/05)* and the existing regulation that designates the Oak Ridges Moraine Area (*Ontario Regulation 1/02*)
- Undo the redesignation of lands to Settlement Area in the Oak Ridges Moraine Conservation Plan
- Provide for a concurrent amendment to the Greenbelt Plan's land use schedules to restore the same protections to lands that they had before the 2022 amendment
- Continue to provide that no Plan amendments can be made that would reduce the total area in the Greenbelt Plan
- Reverse the repeal of the *Duffins Rouge Agricultural Preserve Act, 2005*
- Restore the same protections for easements and covenants on the lands in the Duffins Rouge Agricultural Preserve that they had before the 2022 amendment, and
- Strengthen immunity provisions.

The amendments, if passed, will maintain the lands added to the Greenbelt in 2022, which includes a total of 9,400 acres (13 additions of Urban River Valley areas and lands in the Paris Galt Moraine area). This bill would fulfill the government's commitment to fully restore these lands and provide protections to the Greenbelt moving forward. At the same time, the government remains committed to addressing Ontario's housing supply crisis and working with municipalities to achieve our shared housing targets.

Further information on the legislative proposal can be found on the Environmental Registry of Ontario (ERO) at:

- [ERO # 019-7735 – New Act regarding the Duffins Rouge Agricultural Preserve easements and covenants. | Environmental Registry of Ontario](#)

Information on and mapping related to the 2022 decision to amend the Greenbelt Plan and Oak Ridges Moraine Conservation Plan can be found here:

- [ERO # 019-6216 - Amendments to the Greenbelt Plan](#)
- [ERO # 019-6218 - Proposed redesignation of land under the Oak Ridges Moraine Conservation Plan O. Reg.140/02](#)

## **Summary of Proposed Changes**

### *Greenbelt Act, 2005*

The proposed changes would:

- Re-enact section 2 of the *Greenbelt Act, 2005* so that the Greenbelt Area would be specified in legislation and would include the lands that had been removed from the Area on December 14, 2022. The authority to make regulatory amendments for future additions/removals of lands from the Greenbelt Area by the Lieutenant Governor in Council would also be repealed. Going forward, any proposed changes to the Greenbelt boundary would require the approval of the Ontario Legislature through an open, public and transparent legislative process.
- Introduce a new section to the Act, 14.1, to restore the application of the Greenbelt Plan to the 15 areas of land that were removed or redesignated in 2022, while maintaining the 2022 lands that were added at the same time.
- Re-enact and enhance section 19 of the *Greenbelt Act, 2005* to ensure the province has no legal liability for matters related to the *Greenbelt Act*.

### ***Ministry of Municipal Affairs and Housing Act***

The proposed changes would expand protections from liability.

### ***Oak Ridges Moraine Conservation Act, 2001***

The proposed changes would:

- Re-enact section 2 of the *Oak Ridges Moraine Conservation Act, 2001* so that the authority to make regulatory amendments for future additions/removals of lands from the Greenbelt Area by the Lieutenant Governor in Council would be repealed. Going forward, any proposed changes to the Oak Ridges Moraine boundary would require the approval of the Ontario Legislature through an open, public and transparent legislative process.
- Re-enact and enhance section 20 of the *Oak Ridges Moraine Conservation Act, 2001* to ensure the province has no legal liability for matters related to the *Oak Ridges Moraine Conservation Act*.

- Introduce a new section to the Act, 26, to restore the designation of land that was redesignated in 2022.

## Analysis of Regulatory Impact

There is minimal direct compliance or reporting requirements associated with this proposal, and these are limited to municipal staff costs to update official plans to reflect the proposed changes to provincial plans. This proposal would support the continuation of a consistent regulatory environment for people and businesses in the Greenbelt Area.

## Supporting materials

### Related filesClick to Expand Accordion

#### [Proposed Modifications 2023 Maps 1](#)

pdf 924.67 KB

#### [Proposed Modifications 2023 Maps 2](#)

pdf 698.48 KB

#### [Proposed Modifications 2023 Maps 3](#)

pdf 854.76 KB

#### [Proposed Modifications 2023 Maps 4](#)

pdf 682.32 KB

#### [Proposed Modifications 2023 Maps 5](#)

pdf 783.21 KB

#### [Proposed Modifications 2023 Maps 6](#)

pdf 929.43 KB

#### [Proposed Modifications 2023 Maps 7](#)

pdf 854.47 KB

#### [Proposed Modifications 2023 Maps 8](#)

pdf 860.98 KB

#### [Proposed Modifications 2023 Maps 9](#)

pdf 740.54 KB

#### [Proposed Modifications 2023 Maps 10](#)

pdf 733.49 KB

#### [Proposed Modifications 2023 Maps 11](#)

pdf 956.03 KB

## Related linksClick to Expand Accordion

- [Bill 136, Greenbelt Statute Law Amendment Act, 2023](#)
  - [Greenbelt Act, 2005](#)
  - [Greenbelt Plan](#)
  - [Greenbelt Maps](#)
  - [Greenbelt Area boundary regulation O. Reg. 59/05](#)
  - [Oak Ridges Moraine Conservation Plan](#)
  - [Oak Ridges Moraine Maps](#)
  - [Oak Ridges Moraine Conservation Act, 2001](#)
- 

## Related ERO noticesClick to Expand Accordion

- [Proposal to return lands to the Greenbelt \(Amendment to the Greenbelt Plan\)](#)
  - [Proposal to return lands to the Greenbelt \(Amendment to Greenbelt Boundary Regulation O. Reg. 59/05\)](#)
  - [Proposed Amendments to the Greenbelt Plan](#)
  - [Decision on proposed amendments to the Greenbelt Area boundary regulation](#)
  - [Decision on proposed redesignation of land under the Oak Ridges Moraine Conservation Plan](#)
- 

## View materials in person

Some supporting materials may not be available online. If this is the case, you can request to view the materials in person.

Get in touch with the office listed below to find out if materials are available.

Provincial Land Use Plans Branch

### Address

13th Flr, 777 Bay St  
Toronto, ON  
M7A 2J3  
Canada

## Comment

Let us know what you think of our proposal.

Have questions? Get in touch with the contact person below. Please include the ERO number for this notice in your email or letter to the contact.

[Read our commenting and privacy policies.](#)

**Submit online**

**[Submit a comment](#)**

**Submit by mail**

greenbeltconsultation@ontario.ca

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**greenbeltconsultation@ontario.ca**

**Email address**

**[greenbeltconsultation@ontario.ca](mailto:greenbeltconsultation@ontario.ca)**

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# Changes to the definition of an “Affordable Residential Unit” in the Development Charges Act, 1997 for the purpose of municipal development-related charge discounts and exemptions

**ERO number**

019-7669

**Notice type**

Act

**Posted by**

Ministry of Municipal Affairs and Housing

**Notice stage**

Proposal

**Proposal posted**

September 28, 2023

**Comment period**

September 28, 2023 - October 28, 2023 (30 days) Closed

**Last updated**

September 28, 2023

This consultation was open from:

**September 28, 2023  
to October 28, 2023**

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## Proposal summary

The province is proposing to amend the *Development Charges Act, 1997* to change the definition of an affordable residential unit for the purpose of discounting and exempting these units from municipal development-related charges.

## On this page

1. [Proposal details](#)
2. [Supporting materials](#)



- 3. [Comment](#)
- 4. [Connect with us](#)

## Proposal details

### Overview:

The Ministry of Municipal Affairs and Housing (MMAH) is proposing to amend the *Development Charges Act, 1997* (DCA) to change the definition of an affordable residential unit for the purpose of discounting and exempting these units from municipal development-related charges (MDRCs). MDRCs are development charges, community benefits charges, and parkland dedication requirements. The proposed new definition would be based on the existing definition of affordable housing in the Provincial Policy Statement (PPS), 2020, which considers local income in addition to market prices. The proposed new definition would consider the housing costs that are affordable for households that, in the Minister of Municipal Affairs and Housing's opinion, are in the 60<sup>th</sup> percentile of gross annual income in the applicable local municipality.

### Proposed change:

Under the proposed change, an affordable residential unit would be defined as:

For rental housing, where the rent is no greater than the lesser of,

- i. the income-based affordable rent for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing, and
- ii. the average market rent identified for the residential unit set out in the Affordable Residential Units bulletin.

In identifying the income-based affordable rent applicable to a residential unit, the Minister of Municipal Affairs and Housing shall,

- a. determine the income of a household that, in the Minister's opinion, is at the 60th percentile of gross annual incomes for renter households in the applicable local municipality; and
- b. identify the rent that, in the Minister's opinion, is equal to 30 per cent of the income of the household referred to in clause (a).

For ownership housing, where the price of the residential unit is no greater than the lesser of,

- i. the income-based affordable purchase price for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing, and
- ii. 90 per cent of the average purchase price identified for the residential unit set out in the Affordable Residential Units bulletin.

In identifying the income-based affordable purchase price applicable to a residential unit, the Minister of Municipal Affairs and Housing shall,

- a. determine the income of a household that, in the Minister's opinion, is at the 60<sup>th</sup> percentile of gross annual incomes for households in the applicable local municipality; and
- b. identify the purchase price that, in the Minister's opinion, would result in annual accommodation costs equal to 30 per cent of the income of the household referred to in clause (a).

### **Why the change is being made:**

The proposed change to the definition of an affordable residential unit in the *Development Charges Act, 1997* would change which units might qualify for discounts and exemptions from MDRCs. As local income would be a factor for determining which residential units would be deemed affordable, the changes could result in lower purchase prices compared to the current definition in the DCA. The change would also incent the development of housing that would be considered affordable to moderate income households.

Affordable residential units that meet the province's definition would be eligible for discounts and exemptions from MDRCs, to help lower the cost of building, purchasing, and renting affordable homes across the province.

Incorporating income-based factors into the definition of an affordable residential unit, better reflects moderate income households' ability to carry costs of housing (compared to a solely market-based definition). This change would help to enable more Ontarians to find an affordable home based on their household income.

## **Supporting materials**

### **Related links** Click to Expand Accordion

- [Development Charges Act, 1997, S.O. 1997, c. 27 \(ontario.ca\)](#)
- [Bill 23, More Homes Built Faster Act, 2022 - Legislative Assembly of Ontario \(o...](#)
- [Planning Act, R.S.O. 1990, c. P.13 \(ontario.ca\)](#)
- [Review of proposed policies adapted from A Place to Grow and Provincial Policy ...](#)
- [Changes to the Definition of an "Affordable Residential Unit" in the Developmen...](#)

### **View materials in person**

Some supporting materials may not be available online. If this is the case, you can request to view the materials in person.

Get in touch with the office listed below to find out if materials are available.

## Comment

Commenting is now closed.

The comment period was from September 28, 2023  
to October 28, 2023

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**Date:** November 1, 2023 at 8:32:31 AM EDT  
**To:** [coolbluebrian@yahoo.com](mailto:coolbluebrian@yahoo.com)  
**Subject:** Ontario Helping to Build More Rental Housing



## NEWS RELEASE

### Ontario Helping to Build More Rental Housing

Province removing the full provincial portion of HST on qualifying new purpose-built rental housing

**November 01, 2023**  
[Ministry of Finance](#)

TORONTO — The Ontario government is taking steps to remove the full eight per cent provincial portion of the Harmonized Sales Tax (HST) on qualifying new purpose-built rental housing in order to get more rental homes built across the province.

“There has never been a greater need to get rental housing built across the province. This is why our government is taking steps to tackle the housing crisis so that all Ontarians can have an affordable place to live,” said Peter Bethlenfalvy, Minister of Finance. “Tomorrow, I will provide an update on our plan that will continue with our government’s targeted, responsible approach so we have the flexibility needed to build Ontario and address the uncertainty of today while laying a strong fiscal foundation for future generations.”

The removal of the provincial portion of the HST would apply to new purpose-built rental housing such as apartment buildings, student housing and senior residences built specifically for long-term rental accommodation, that meet the criteria. The enhanced rebate would apply to qualifying projects that begin construction between September 14, 2023 and December 31, 2030, and complete construction by December 31, 2035.

Since fall 2022, Ontario has called on the federal government to remove the HST for certain purpose-built rental housing. Ontario welcomes the federal



government's decision to listen to Ontario. Together, the provincial and federal actions would remove the full 13 per cent HST on qualifying new purpose-built rental housing in Ontario, helping to get more housing built. Ontario will continue working closely with the federal government to implement this new measure.

"Our government will continue to take action and work together with our partners at all levels of government to help increase the supply of affordable homes across this province," said Paul Calandra, Minister of Municipal Affairs and Housing. "This is a significant step that builds on the comprehensive measures in our government's Housing Supply Action Plans to get shovels in the ground faster and help more Ontarians find a home that meets their needs and budget."

As part of its ongoing work to build at least 1.5 million homes by 2031, the government is also working on the development of a comprehensive modular home strategy. This strategy includes exploring the use of a Request for Qualification process that will transparently identify and pre-qualify companies that contribute to modular housing construction on the scale Ontario needs. The government is also working to leverage surplus provincial lands and partnering with municipalities to leverage surplus municipal lands in order to help reduce the cost of building attainable homes, including modular homes.

## Quick Facts

- Currently, the Ontario HST New Residential Rental Property Rebate is equal to 75 per cent of the provincial portion of the HST paid, up to a maximum rebate of \$24,000. The enhanced rebate would be equal to 100 per cent of the provincial portion of the HST, with no maximum rebate amount.
- In the example of a two-bedroom rental unit valued at \$500,000, the enhanced Ontario HST New Residential Rental Property Rebate would deliver \$40,000 in provincial tax relief. When combined with the enhanced federal GST New Residential Rental Property Rebate, this would amount to \$65,000 in tax relief.
- To qualify for the enhanced HST New Residential Rental Property Rebate, new residential units must be in buildings with at least four private apartment units or 10 private rooms or suites, and have at least 90 per cent of residential units designated for long-term rental.



- Eliminating or reducing tax disincentives to housing growth is a recommendation in the [Housing Affordability Task Force report](#).

## Quotes

"In a province as prosperous and dynamic as Ontario, owning a home should not be beyond the reach of hard-working families. Our government is committed to exploring innovative solutions that can fast-track the construction of attainable housing. Innovative options like modular housing will propel Ontario's housing sector into a new era of affordability."

**- Rob Flack**  
**Associate Minister of Housing**

"Every city and town in the province, including Ottawa, is looking for ways to increase the supply of new homes — especially new rental homes. Today's announcement of removing the provincial portion of the HST on purpose-built rental will make many rental construction projects, which have always been expensive and face tough economic circumstances, viable. That means more opportunity, choice and affordability in homes for residents across the province."

**- Jason Burggraaf**  
**Executive Director, Greater Ottawa Home Builders' Association**

"Ontario needs more purpose-built rental housing. Too often, high project costs mean that rental projects just don't work financially. Today's announcement will help put more shovels in the ground so we can build more rental homes, faster. Our members are thrilled with this announcement."

**- Tony Irwin**  
**President & CEO, Federation of Rental-housing Providers of Ontario,**  
**Interim-President, Canadian Federation of Apartment Associations**

"The OHBA, and our 4,000 members across Ontario, applaud the Ontario government for taking this leadership and eliminating the HST on purpose-built rentals. This measure will change the cost equation for a lot of projects and make even more student, seniors and long-term, purpose-built rental projects economically feasible. In short, this will get more desperately needed housing built."



**- Dave Depencier**  
**President, Ontario Home Builders' Association**

## **Additional Resources**

[Housing supply action plans](#)

[Housing Affordability Task Force report](#)

## **Media Contacts**

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**DATE:** November 13, 2023

**REPORT NO:** PD-57-2023

**SUBJECT:** Township of West Lincoln Official Plan 5 Year Review

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

**OVERVIEW:**

- Regional Official Plan (NOP) was approved on November 4, 2022. This Official Plan included recognition of proposed new boundaries for Smithville as completed through a municipal comprehensive review and as implemented locally by Official Plan Amendment (OPA) No. 62.
- Corresponding to the boundary changes of OPA 62 was the Secondary Plan/Land Use policy of OPA 63.
- These two Official Plan amendments have both been Regionally approved; despite the fact that OPA 63 is currently subject to appeal.
- The remainder of the Township Official Plan is required to be updated within one year of Regional NOP receiving Provincial approval; in other words, before November 4<sup>th</sup>, 2023.
- This will not be possible in West Lincoln's case due to staffing limitations and the inability to get a consulting team hired in a timely manner.
- Notwithstanding these issues, West Lincoln is substantially closer to compliance than most other lower-tier municipalities in the Niagara Region.
- This report is written to inform Council of the timeline that will not be met and the fact that Planning staff have notified Regional staff of our delay.
- Staff hope to be close to completion of the review process by the spring of 2024.
- Based on discussions with Regional staff, the Minister's letter of November 2, 2023 (see attachment 1 to report PD-58-23) added another level of complexity to the review process as it is not clear what amendments may be changed/undone. All of the recent bills and the changes yet to come have made the five-year review process much more challenging.
- Staff wish to keep Planning Committee and Council informed of discussions with Regional Planning staff on the Township of West Lincoln Official Plan 5-year review efforts.

**RECOMMENDATION:**



1. That, Information Report PD-57-2023, regarding “Township of West Lincoln Official Plan 5 Year Review”, dated November 13, 2023 be received for INFORMATION purposes.

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

- **BUILD** a safe, connected, caring and active community.
- **CHAMPION** strategic and responsible growth

#### **BACKGROUND:**

The Planning Act requires that lower-tier municipalities update their Official Plan within one year of a Regional Official Plan approval. In this case, a new Regional Official Plan (NOP) was approved by the Province on November 4, 2022. As a result, the lower tier Niagara municipalities had until November 4, 2023 to achieve approval of an amendment.

West Lincoln is generally in good shape as the significant changes are approved through OPA 62 and 63. The remaining changes to agricultural policies and environmental policies etc. will not be as substantial as OPA’s 62 and 63 were.

#### **CURRENT SITUATION:**

The Township Official Plan is required to be updated within one year of Regional NOP approval, in other words before November 4<sup>th</sup>, 2023. This will not be possible in West Lincoln’s case due to staffing limitations and the inability to get a consulting team hired in a timely manner.

Notwithstanding this issue, West Lincoln is substantially closer to compliance than most other lower-tier municipalities in the Niagara Region due to the completion of all of the municipal comprehensive review work.

Based on discussions with Regional staff, the Minister’s letter of November 2, 2023 (see attachment 1 to report PD-58-23) added another level of complexity to the review process as it is not clear what amendments may be changed/undone. Further, new legislation has yet been introduced at Queens Park to provide the Minister with this authority and it is not clear what else might be found within this upcoming bill. All of the recent bills and the changes yet to come have made the five-year review process much more challenging.

This report is written to inform Council of the timeline that will not be met and the fact that Planning staff have notified Regional staff of our delay. Staff wish to keep Planning Committee and Council informed of discussions with Regional Planning staff on the Township of West Lincoln efforts for compliance.

#### **FINANCIAL IMPLICATIONS:**

A capital budget sheet for the Township of West Lincoln Official Plan 5-year Review exists

from previous years and make available up to \$37,500. Staff anticipate that the RFP process may receive bids above this amount, but will report back if a Budget Amendment is required.

**INTER-DEPARTMENTAL COMMENTS:**

OPA 63 and all of the extensive policy work completed for that amendment has ensured that the Township is a substantial way towards completing our Official Plan 5-year review.

**CONCLUSION:**

This report is provided for the information of Committee and Council as staff work towards hiring a consultant. Hopefully within budget, to complete the 5-year review work.

**ATTACHMENTS:**

1. Table of Contents of Regional Official Plan

**Prepared & Submitted by:**



---

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

**Approved by:**



---

**Bev Hendry**  
**CAO**





making our mark  
**NIAGARA**  
OFFICIAL PLAN

November 4, 2022

Niagara  Region

# TABLE OF CONTENTS

## 1

### MAKING OUR MARK

**2**

1.1	Overview – Niagara Past, Present, and Future .....	4
1.2	Planning Context .....	6
1.3	How to Read the Plan.....	8
1.4	Organization of the Niagara Official Plan.....	10

## 2

### GROWING REGION

**14**

2.1	Forecasted Growth .....	14
2.2	Regional Structure .....	17
2.3	Housing.....	28

## 3

### SUSTAINABLE REGION

**33**

3.1	The Natural Environment System.....	33
3.2	Watershed Planning.....	77
3.3	Source Water Protection.....	81
3.4	Stewardship .....	85
3.5	Climate Change .....	86
3.6	Niagara Escarpment Plan Area .....	92
3.7	Excess Soil Management .....	94

## 4

### COMPETITIVE REGION

**97**

4.1	The Agricultural System .....	97
4.2	Planning for Employment .....	109
4.3	Mineral Aggregate Resources .....	121
4.4	Petroleum and Mineral Resources .....	135
4.5	Economic Prosperity.....	137

**5****CONNECTED REGION****141**

5.1	Multimodal Transportation System .....	141
5.2	Infrastructure.....	150
5.3	Public Spaces, Recreation, Parks, Trails and Open Space .....	165

**6****VIBRANT REGION****168**

6.1	District Plans and Secondary Plans.....	168
6.2	Urban Design.....	175
6.3	Healthy Communities.....	180
6.4	Archaeology.....	181
6.5	Cultural Heritage.....	185

**7****IMPLEMENTATION****189**

7.1	Roles and Responsibilities.....	191
7.2	How to Read and Interpret the Plan .....	193
7.3	Niagara Official Plan Review .....	195
7.4	Local Official Plan Conformity.....	196
7.5	Implementation Tools.....	198
7.6	Performance Indicators and Monitoring .....	201
7.7	Phasing.....	203
7.8	Regional Official Plan Amendment Application Process .....	204
7.9	Financial Sustainability Tools.....	210
7.10	Consultation and Engagement .....	211
7.11	First Nations and Indigenous Communities Engagement .....	214
7.12	General Implementation Policies .....	216



## 8

**SITE SPECIFIC POLICIES****218**

8.1	Site Specific Policies Applicable Region-wide .....	219
8.2	Site Specific Policies for Fort Erie.....	221
8.3	Site Specific Policies for Grimsby .....	228
8.4	Site Specific Policies for Lincoln .....	231
8.5	Site Specific Policies for Niagara Falls .....	234
8.7	Site Specific Policies for Pelham .....	250
8.8	Site Specific Policies for Port Colborne .....	254
8.9	Site Specific Policies for St. Catharines.....	254
8.10	Site Specific Policies for Thorold .....	255
8.11	Site Specific Policies for Wainfleet .....	261
8.12	Site Specific Policies for Welland .....	264
8.13	Site Specific Policies for West Lincoln.....	265

## 9

**GLOSSARY OF TERMS****270**

## 10

**SCHEDULES****325**

Schedule A - Local Area Municipalities .....	326
Schedule B - Regional Structure .....	327
Schedule C1 - Natural Environmental System Overlay and Provincial Natural Heritage Systems .....	328
Schedule C2 - Natural Environmental System: Individual Components and Features .....	329
Schedule C3 - Key Hydrologic Areas Overlay .....	330
Schedule D - Tertiary and Quaternary Watersheds .....	331
Schedule E - Source Water Protection .....	332
Schedule F - Agricultural Land Base .....	333
Schedule G - Employment Areas.....	334
Schedule H - Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations .....	335
Schedule I - Petroleum Pools .....	336

Schedule J1 - Transportation Infrastructure.....	337
Schedule J2 - Strategic Cycling Network .....	338
Schedule K - Areas of Archaeological Potential .....	339
Schedule L - Natural Environment System: Components, Definitions, and Criteria .....	340
Schedule M - Road Allowance Widths.....	370

# 11

## APPENDICES

**390**

Appendix 1 - Agricultural Hydrology Infrastructure and Major Source Areas .....	391
Appendix 2 - Urban Expansion Areas and Future Employment Areas.....	392
Appendix 3 - Niagara Region's Employment Land Redevelopment Criteria .....	393

**DATE:** November 13, 2023

**REPORT NO:** PD-56-2023

**SUBJECT:** **Recommendation Report – Request for Policy Considerations  
Relating to Backyard Chickens**

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

**OVERVIEW:**

- On September 11<sup>th</sup>, 2023, a local resident of Smithville, Dora Pavlidis and her neighbour, Karen Sabatine, made a presentation to the Planning/Building/Environmental Committee about permitting backyard chickens subject to limitations.
- The presentation was referred to staff for consideration.
- Upon contacting representatives of the poultry industry, OMAFRA staff and other municipalities, it is clear that this can be a very sensitive topic that is not right for everyone. A one size fits all policy does not apply. For instance, recently Pelham Council granted a very restrictive regulatory approval for backyard chickens; while Fort Erie Council refused to even entertain the discussion.
- West Lincoln staff propose, that in order to determine what is best for West Lincoln, the matter should be brought before a Public Meeting so that input from many individuals and organizations can be gathered.
- Should support be considered appropriate, two documents will require amendment, including the Township Zoning By-law and the Township Animal Control by-law.

**RECOMMENDATION:**

1. That, Recommendation Report PD-56-2023, regarding “Request for Policy Considerations Relating to Backyard Chickens”, dated November 13, 2023 be received; and,
2. That, staff be and are hereby authorized to hold a public meeting at a future Planning, Building, Environmental Committee meeting on the request to consider that non-farmers and urban/hamlet residents be permitted to house backyard chickens and that adequate notice be provided for such purposes and that deliberations relate to details around restrictions, permitted locations, etc.



**ALIGNMENT TO STRATEGIC PLAN:**

- **BUILD** a safe, connected, caring and active community.
- **CHAMPION** strategic and responsible growth.

**BACKGROUND:**

The Township Zoning By-law is written to distinguish livestock and fur bearing animals for husbandry purposes from pets. Section 3.13 “Prohibited Uses” and specific zone categories in an urban/non-farm context, a limited number of pets are permitted; whereas in the agricultural areas of the Township of West Lincoln, livestock operations are permitted based on a size and scale which is regulated by such things as nutrient management strategies and minimum distance separation calculations, etc.

Many municipalities have been asked to consider chickens as pets and/or to allow a limited number of chickens on a non-farm property as livestock. Generally, roosters are prohibited.

**CURRENT SITUATION:**

On September 11<sup>th</sup>, 2023, a local resident of Smithville, Dora Pavlidis and her neighbour, Karen Sabatine, made a presentation to the Planning/Building/Environmental Committee about permitting backyard chickens, subject to limitations. The presentation was referred to staff for consideration.

Upon contacting representatives of the poultry industry, OMAFRA staff and other municipalities, it is clear that this can be a very sensitive topic that is not right for everyone. A one size fits all policy does not apply in this circumstance. For instance, recently Pelham Council granted a very restrictive regulatory approval for backyard chickens; while Fort Erie Council refused to even entertain the discussion.

West Lincoln staff propose, that in order to determine what is best for West Lincoln, the matter should be brought before a Public Meeting so that input from many individuals and organizations can be gathered. Further, staff will encourage input through social media and other forums to ensure a full spectrum of opinion is heard and discussed.

Should support be considered appropriate, two documents will require amendment including the Township Zoning By-law and the Township Animal Control By-law. Staff can present these amendments at a later date should that become helpful.

**FINANCIAL IMPLICATIONS:**

The holding of a public meeting should be covered by the Township Planning Operating Budget.

**INTER-DEPARTMENTAL COMMENTS:**

The public meeting process will provide an opportunity for a broad spectrum of agency and public comment.

**CONCLUSION:**

Staff recommend that a public meeting be held so that staff, Committee, and Council can gather input in order to make an informed decision on this matter.

**Prepared & Submitted by:**



---

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

**Approved by:**



---

**Bev Hendry**  
**CAO**

**DATE:** November 13, 2023

**REPORT NO:** PD-59-2023

**SUBJECT:** **Legion Villa Affordable Housing Development – Request to Waive Planning Fees**

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

**OVERVIEW:**

- On September 11<sup>th</sup>, 2023, Gordon Szaszi and Nancy Neville presented to Township of West Lincoln Committee and Council about their request to waive planning fees, building permit fees and development charges in order to show support for their project and to help “keep it viable and truly affordable”.
- Their request (PowerPoint attached to this report) was referred to staff.
- Generally, Committee/Council appeared favorable to their request.
- Staff have reviewed the request and have contemplated the best and most transparent way in which to consider such requests in the concept of affordability.
- Staff have concluded that the best and most transparent way for Council to consider moving forward is by means of a Community Improvement Plan (CIP). Currently the Township has two CIPs, one for development and redevelopment within the core area of Smithville and a second for Brownfield redevelopment sites. This proposal does not qualify under either current CIP.
- In order to have proper tools by which to consider such requests, an Affordable Housing CIP is recommended. Recently, the City of Welland has completed such a CIP (see Attachment 2) as have numerous other municipalities across the Province; while others, including Fort Erie, are considering such an approach at present.

**RECOMMENDATION:**

1. That, Recommendation Report PD-59-2023, regarding “Legion Villa Affordable Housing Development – Request to Waive Planning Fees”, dated November 13, 2023 be received; and,
2. That, Council direct staff to include an Affordable Housing Community Improvement

- Plan in the 2024 budget; and,
3. That, the pre-consultation fee, which has not been paid, be and is hereby waived while the remainder of this request should await the outcome of the CIP process.

**ALIGNMENT TO STRATEGIC PLAN:**

- **BUILD** a safe, connected, caring and active community.
- **CHAMPION** strategic and responsible growth.

**BACKGROUND:**

At the September 11<sup>th</sup>, 2023 Committee and Council meeting, representatives of Legion Villa made a request for consideration of waiving Planning, Building, and Development Charge fees to help keep their new Legion Villa building “viable and truly affordable”. The Planning fee waiver request alone amounts to nearly \$20,000. Such a request was not considered as part of 2023 budget deliberations, therefore affects the Planning Department budget. To consider such requests, proper budgeting should be considered as part of the CIP. The appropriate way to consider such requests is to establish a project funding CIP account whereby such requests are considered fairly and equitably across all applications within West Lincoln. To do so requires the preparation of an Affordable Housing CIP.

**CURRENT SITUATION:**

On September 11<sup>th</sup>, 2023, Gordon Szaszi and Nancy Neville presented to Township of West Lincoln Committee and Council about their request to waive planning fees, building permit fees and development charges in order to show support for their project and to help “keep it viable and truly affordable”. Their request (PowerPoint attached to this report) was referred to staff. Generally, Committee/Council appeared favorable to their request.

Staff have reviewed the request and contemplated the best and most transparent way in which to consider such requests with a goal to helping achieve more affordability. Staff have concluded that the best and most transparent way for Council to consider moving forward is by means of a Community Improvement Plan (CIP). Currently the Township has two CIPs, one for development and redevelopment within the core area of Smithville and a second for Brownfield redevelopment sites. This proposal does not qualify under either plans.

In order to have proper tools by which to consider such requests, an Affordable Housing CIP is recommended. Recently, the City of Welland has completed such a CIP (see Attachment 2) as have numerous other municipalities across the Province; while others, including Fort Erie, are considering such an approach presently.

**FINANCIAL IMPLICATIONS:**

Staff recognize that there is a desire to support such a request as the one presented on September 11<sup>th</sup>, 2023 and as presented in the materials at Attachment 2 to this report. Legion Villa and Villa 3 is extremely important to the future growth and development of Smithville, particularly for affordable housing geared towards senior living. However, if

support is to be considered possible, it should be evaluated through the lens of a CIP, which helps with progress and support for all potential Affordable Housing projects. If Council direct staff to include this project, should support be granted, it should be put to the 2024 Budget.

**INTER-DEPARTMENTAL COMMENTS:**

Staff have had discussions with other lower-tier municipalities such as Fort Erie and Welland, as well as the Region and Township Legal Counsel about such work.

**CONCLUSION:**

Staff realize the importance of supporting such proposals and refunding of fees if it helps with affordability but caution Council to ensure that such a request is considered fairly and equitably in the context of a policy and procedure. Therefore, an Affordable Housing CIP should be completed before supporting this current request and/or any other subsequent requests should they come forward in the future. Staff advise that upon completion of a CIP, if supported and funded, then this request could then be considered.

**ATTACHMENTS:**

1. Request for Financial Support (PowerPoint)
2. Affordable Housing CIP Press Release from Welland

**Prepared & Submitted by:**



---

**Brian Treble**  
Director of Planning & Building

**Approved by:**



---

**Bev Hendry**  
CAO



# Legion Villa Seniors' Community Housing Development Project

---

161 / 171 MILL STREET, SMITHVILLE



# Who we are: Legion Villa

---



- 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?

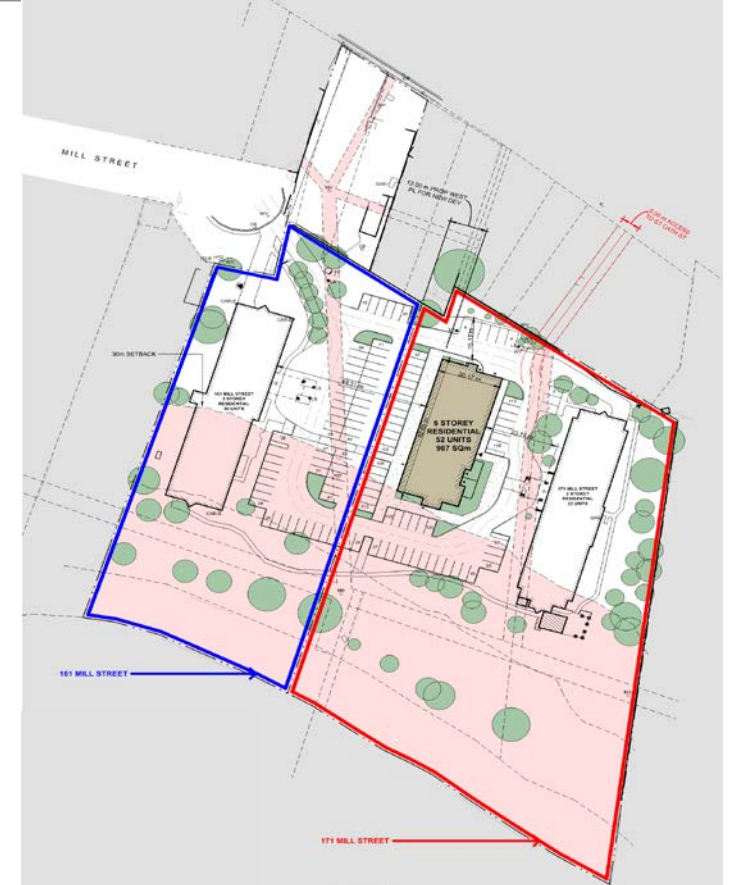
- Housing crisis across Niagara, including need for 55+ affordable housing in West Lincoln
- Legion Villa current waitlist is 12 years for a rental unit



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:

---

- **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:

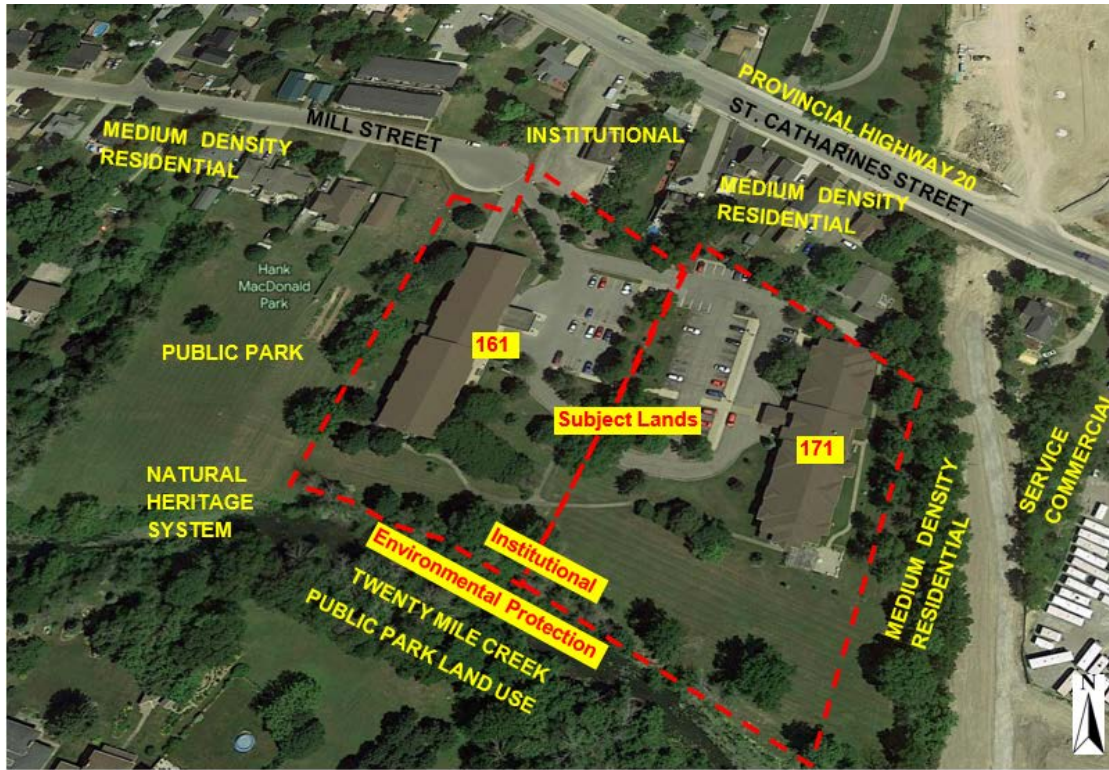
Future Capital  
Funding  
(CMHC or  
other)

- Full Design & Building Permits
- Construction & Occupancy



# Thank You for your Support

- Questions?



N.T.S



WEST PERSPECTIVE



EAST PERSPECTIVE



## City of Welland adopts Affordable Rental Housing Community Improvement Program

FOR IMMEDIATE RELEASE | July 20, 2023

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During their council meeting on July 18, Welland City Council officially adopted an Affordable Rental Housing Community Improvement Plan (CIP). This program aims to establish a new housing partnership with multiple providers to address the city's affordable housing needs.

The CIP and its accompanying programs offer financial incentives to private property owners and non-profit housing providers who wish to build affordable rental housing. Creating the CIP is part of the City's Housing Action Plan and will help the City meet its housing growth target.

"We've undertaken considerable consultation to develop the CIP," said Grant Munday, director of planning and development. "We've taken everything we heard from the consultations and created a CIP designed to stimulate and promote the creation and longevity of affordable housing in the City of Welland."

The Affordable Rental Housing CIP offers seven incentive programs: Tax Increment Grant, Affordable Housing Study Grant, Affordable Residential Forgivable Loan, Extended Benefits Grant, Municipal Fees Grant, Affordable Housing Reserve Fund, and Special Land Program. For example, a property owner seeking to construct an affordable apartment in their home is eligible to receive up to a \$20,000 forgivable loan.

The City of Welland wants to assist in the creation of more affordable housing. If interested in applying for the incentives, please contact [devserv@welland.ca](mailto:devserv@welland.ca).

To review the Affordable Rental Housing CIP, please visit [engageWelland](https://engageWelland.ca).



For media inquiries, please contact:  
Marc MacDonald, Corporate Communications Manager  
905-735-1700 x2337  
[marc.macdonald@welland.ca](mailto:marc.macdonald@welland.ca)

**DATE:** November 13, 2023

**REPORT NO:** PD-60-2023

**SUBJECT:** **Recommendation 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’ to be consistent with the Regional licensing by-law.
  - Addition of a definition and permitted use for truck 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 a review completed on our behalf as a commitment to the P. Budd Development appeal of Housekeeping No. 6, done by a consultant (GSP Group) with input through public comments.
  - Changes to accessory dwelling provisions as per Bill 23.
- Township Planning staff held a Public Meeting at the October 10<sup>th</sup>, 2023 Planning, Building, Environmental Committee Meeting. No public or agency comments were brought forward verbally, but one set of written comments was received.
- Two further changes were presented at the Public Meeting as a result of further consultations to date:
  - Height of industrial buildings modified to 20 metres for M1 and M2 from 10 metres
  - Height of apartment building in RH to 21.5 metres and RM4 zone to 20 metres and RM2 and RM3 zone to 15 metres.
- For consistency purposes, minor revisions will also be made to *Table 3: Minimum and Maximum Widths for Driveways and Parking Aisles*, as per the below changes:
  - Single traffic lane will be revised from 4.5 metres to 6 metres (for max. width)
  - Double traffic lane will be revised from 7.5 metres to 6 metres (for min. width)
- This recommendation report recommends that the by-law now be passed with the few minor adjustments recognized in this report since the public meeting, in keeping with many of the suggestions as made by NPG Planning Solutions in their letter dated October 5, 2023, along with other input directly to staff.



## **RECOMMENDATION:**

1. That, Report PD-60-2023, regarding “Recommendation Report – Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendment No. 7 (File No. 1601-007-23)”, dated November 13, 2023 be RECEIVED; and,
2. That, the Zoning Bylaw Amendment – Housekeeping 7, be approved in accordance with the attached Amending Zoning By-law; 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:**

- **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 bylaw was passed, concerning both Township wide regulations and site specific zoning regulations. 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, a public consultation process was 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 had identified a number of issues that needed to be addressed, mostly on a Township wide level. A draft bylaw with these changes was presented to Council before the public meeting of October 10, 2023.

Included in the final 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 transport terminal and Industrial use as a permitted use in certain M1 and M2 zones.
- 4) Minor Secondary Suite revisions.
- 5) Changes to building height in the industrial and residential zones.
- 6) Minor revisions to minimum and maximum widths for driveway and parking aisles.

A report from GSP group was also reviewed (as attached to previous reports) which recommends some of the changes. A review of policy makes the following observations:

## **1. Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction for all planning matters in the Province. All planning decisions in the Province shall be consistent with the policies in this Plan. The PPS encourages development that will provide long term prosperity, environmental health and social well-being. These directives depend on the efficient use of land and development patterns that support strong, livable and healthy communities that protect the environment and public health and facilitate economic growth. Section 1.4 Housing provides the policies related to an appropriate range and mix of housing options and densities to meet projected requirements of current and future residents. To assist with the objectives for housing unit supply and residential intensification with the implementation of targets for affordability to all income households is to increase the building heights to maximize the unit count in a smaller building footprint. The increase in building heights will provide opportunities to integrate different housing types to meet the social, health, economic and well being requirements of the growing Township. Section 1.7 Long-Term Economic Prosperity provides the policies for promoting opportunities for economic development and community investment-readiness and responding to changes in market based needs for housing and the workforce. The proposed changes to the building heights in the M1 and M2 zones as well as the RH, RM2, RM3 and RM4 zone will align with the objectives for the optimization of utilizing land in a well-designed built form that is compatible to the adjacent uses.

## **2. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)**

The Growth Plan establishes a long-term framework for growth and development in the Greater Golden Horseshoe ('GGH') region, which encourages the efficient use of land through the development of complete communities that are compact, transit supportive, and provide a range of housing and employment opportunities. The Growth Plan utilizes a land use planning horizon to 2051.

The Growth Plan builds upon the policy foundations of the PPS, as well as responds to key challenges in the GGH region by providing enhanced policy directions designed to make efficient use of investments in infrastructure and public service facilities, while ensuring the protection of agricultural and natural areas and supporting climate change mitigation and adaptation. Guiding principles of the Growth Plan are established to support the achievement of complete communities; prioritize intensification and higher densities to make efficient use of land and infrastructure; provide flexibility to capitalize on economic and employment opportunities; support a mix of housing options; improve the integration of land use planning with planning and investment in infrastructure; protect and enhance the natural environment; conserve and promote cultural heritage; and, integrate climate change considerations into planning and growth management. The proposed changes to the building heights will provide the necessary flexibility in strategic locations throughout

the municipality to optimize opportunities for new development geared to intensify land available for higher densities and growth.

### **3. Niagara Region Official Plan**

The Niagara Regional Official Plan is the long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of this Plan will guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond. This Plan is required to be consistent with the Provincial Policy Statement (2020), conform to the Growth Plan (2019, as amended) and Greenbelt Plan (2017), and not conflict with the Niagara Escarpment Plan (2017).

Chapter 2 – Growing Region Directive of the Plan is providing policies to manage growth strategically and diversify the housing stock to accommodate all ages and incomes. This chapter contains general policies that support residential intensification, redevelopment, and other enhancements to the supply of housing to address affordability in Niagara. Relative to the proposed changes to the building heights, it will assist with inviting new development opportunities with the goal of providing buildings with built forms that have a function, configuration and relationship to streets and adjacent uses including open spaces.

Chapter 6 – Vibrant Region Directive of the Plan is providing policies that focus on creating vibrant urban and rural settlements and the tools necessary to effectively and proactively manage growth in a coordinated and comprehensive approach. The Region provides urban design policies to assist municipalities in achieving a high-quality built environment through the design of the built form and support the development of healthy, vibrant and safe communities. The proposed changes to the building heights in the M1 and M2 zone can provide for more flexibility in the type and size of larger scaled industrial buildings making the municipality more competitive and creates the ability to retain and attract employment investment that contributes to growth of the Township. Likewise, the proposed increase in the building heights of the medium and high density residential uses (RM2, RM3, RM4, RH zone) will help to manage growth within the urban settlement areas and accommodate growth through strategic intensification and higher densities to protect the character of rural and agricultural areas.

### **4. Township of West Lincoln**

The Township's Official Plan directs new forms of development and intensified growth to the settlement area of Smithville which offers full municipal services and the transportation network throughout the Township and to adjoining municipalities. The Official Plan provides policies to direct growth to underutilized lands in the settlement area including greenfield lands that is to develop at not less than 50 people and jobs per hectare and support infill and intensification targets. The proposed changes to buildings heights will permit the ability to intensify lands at higher densities and opportunities for the integration of a mix and range of housing options with compact built forms in appropriate locations, to ensure compatibility with established residential areas. Furthermore, the higher density



and larger scaled buildings will condense growth in central locations in the urban settlement area and the sustainability of the agricultural areas and natural heritage environment.

Additional changes, since the public meeting, are proposed as follows:

1. Height of industrial buildings in the M1 and M2 zones to 20 metres from 10 metres.
2. Height of apartment building in RM4 15 metres to 20 metres and RH zone from 15 metres to 21.5 metres and RM2 and RM3 from 10 metres to 15 metres.
3. For consistency purposes, minor revisions will also be made to *Table 3: Minimum and Maximum Widths for Driveways and Parking Aisles*, as per the below changes:
  - a. Single traffic lane will be revised from 4.5 metres to 6 metres (for max. width)
  - b. Double traffic lane will be revised from 7.5 metres to 6 metres (for min. width)
4. Additional minor changes as per NPG input to accessory residential units and residential zone categories.

#### **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 were circulated in the local newspaper and publicised on September 14, 2023. Additionally, the notice was posted on the Township website and circulated to agencies and departments on September 18, 2023. Notice would also have been mailed to property owners should there be any site specific zone changes proposed. The Township has received one agency and public comment at this time.

Comments from NPG Planning Solutions are attached to this report and have led staff to propose a number of minor adjustments as per their letter. Staff found the letter very helpful as another set of eyes to cross reference regulations. Industrial height changes were also supported by Upper Canada Consultants on behalf of a couple of industrial operators.

#### **CONCLUSION:**

Staff recommend the attached draft by-law as now reviewed to accommodate comments received through the consultation process. Staff have now prepared and are presenting a recommendation report and final by-law to committee for the Housekeeping round 7 zoning bylaw amendment as initiated by the Township of West Lincoln at a future meeting.

**ATTACHMENTS:**

1. Final Zoning Amendment Bylaw
2. GSP Reporting letter
3. Agency and Public Comments

**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, Table 19 within Part 8 – “Employment Zones” of Zoning Bylaw 2017-70 as amended, is hereby amended by changing the Maximum height to 20 metres in the M1 and M2 Zone.

Table 19: Regulations for Permitted Uses in Employment Zones (Bylaw No., 2021-70)

		Zone Requirements		
		M1	M2	M3
Minimum lot area		2,000m <sup>2</sup>		-
Minimum lot frontage		30m		-
Minimum front yard		15m		30m <sup>(1)</sup>
Minimum exterior side yard		7.5m		30m <sup>(1)</sup>
Minimum interior side yard	Adjoining a lot in a Residential Zone	15m	30m	90m <sup>(1)</sup>
	Other (Bylaw 2022-67)	5m		30m <sup>(1)</sup>
Minimum rear yard	Adjoining a lot in a Residential Zone	15m	30m	90m <sup>(1)</sup>
	Other	7.5m		30m <sup>(1)</sup>
Maximum lot coverage		50%		-
Maximum height		20m		20m <sup>(1)</sup>
Minimum landscaped open space		10% <sup>(2)</sup>		-
Maximum outside storage		25% <sup>(3)</sup>		-
Maximum accessory retail gross floor area		10% of gross floor area		-

<sup>(1)</sup> Minimum yard requirements apply to buildings, structures and aggregate stockpiles.

<sup>(2)</sup> A minimum of 50% of required landscaped open space shall be located in the front yard.

<sup>(3)</sup> Outside storage for purposes other than outside display and sales areas on the lot shall be located in a rear yard or side yard and screened from view from public streets and adjacent lots.

5. 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:

- i. Within the principle dwelling or one detached accessory residential dwelling where on full municipal services and water services; or,
- ii. 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 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 additional space per accessory unit.**
- g) Non Residential Zones where permitted in a ~~Residential Zone~~, or as an *accessory use* to a *dwelling* that is permitted as a *principle 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 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;
  - iii. 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)
  - iv. 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*.
  - v. A *home occupation* shall not be permitted within the *accessory dwelling unit*.
  - vi. 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.
  - vii. 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.

6. THAT, Table 13 within Part 6 – Residential Zones, Subsection 6.2 – Permitted Uses of Zoning Bylaw 2017-70 as amended, is hereby amended by deleting **Table 13: Permitted Uses in Residential Zones** and replacing with the following **Table 13: Permitted Uses in Residential Zones**:

Table 13: Permitted Uses in Residential Zones (2021-94)

Uses		Zones where Permitted											
	Principal Uses												
Apartment dwelling											RM3	RM4	RH
Duplex dwelling										RM2			
Fourplex dwelling										RM2	RM3		
Retirement home													RH
Semi-detached dwelling							R2	R3	RM1	RM2	RM3		
Single detached dwelling		RuR	R1A	R1B	R1C	R1D	R2	R3					
Stacked townhouse dwelling											RM3	RM4	
Street townhouse dwelling									RM1	RM2	RM3		
Back to Back townhouse dwelling												RM4	
Townhouse dwelling										RM2	RM3		
Triplex dwelling										RM2	RM3		
	Accessory Uses <sup>(1)</sup>												
Accessory buildings or structures and accessory uses (see s. 3.1)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>	RM1 <sup>(1)</sup>	RM2 <sup>(1)</sup>	RM3 <sup>(1)</sup>	RM4 <sup>(1)</sup>	RH <sup>(1)</sup>
Accessory dwelling unit (see s. 3.2)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>	RM1	RM2	RM3	RM4	RH
Bed and breakfast establishment (see s. 3.4)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>							
Boarding or rooming house		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>					RM3 <sup>(1)</sup>		
Garden suite (see s. 3.2)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>							
Group home (see s. 3.6)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>					
Home occupation (see s. 3.7)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>					
Renewable energy system (see s. 3.15)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>	RM1 <sup>(1)</sup>	RM2 <sup>(1)</sup>	RM3 <sup>(1)</sup>		RH <sup>(1)</sup>

<sup>(1)</sup> Denotes uses that are only permitted accessory to or in conjunction with a permitted principal use.

7. 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 principle dwelling unit)	Apartment dwelling	-			160m <sup>2</sup>	50m <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>		-	-



Regulation					Zone Requirements	
		RM1	RM2	RM3	RM4	RH
	Stacked townhouse dwelling	-	-	160m <sup>2</sup>	50m <sup>2</sup>	-
	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	30m	-
	Back to back townhouse dwelling	-	-	5.5m/unit	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	12m	15m	21.5m	
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.

(5) No common outdoor *amenity area* provided at grade shall have an area less than 60m<sup>2</sup>. Refer to urban Design Guidelines for any limit to the massing of 4th floor to 75-80% of the third floor to allow for building articulation, step-back, and sunlight.

(6) Each unit in a back to back townhouse development shall contain an individual balcony with an area of 5.5 m2, 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.

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

8. THAT, Part 3 “General Provisions” of Zoning Bylaw 2017-70 as amended, is hereby amended by revising **Table 3: Minimum and Maximum Widths for Driveways and Parking Aisles** for consistency purposes as follows:

Type of Driveway or Parking Aisle	Minimum Width	Maximum Width
Driveways for residential uses within a settlement area with less than five (5) dwelling units (By-law 2019-63 & 2022-32):		
Driveway for a dwelling with a private garage	3 metres	Garage width plus 0.5 metre or 60% of the lot frontage, whichever is greater, to a maximum of 6 metres
Driveway for a dwelling with no private garage		60% of the lot frontage, to a maximum of 6 metres
Driveways for residential uses outside a settlement area with less than five (5) dwelling units (Bylaw 2019-63 & 2022-32 ):		
Driveway for a dwelling with a private garage	3 metres	Garage width plus 0.5 metre or 60% of the lot frontage, whichever is greater, to a maximum of 7.5 metres
Driveway for a dwelling with no private garage		60% of the lot frontage, to a maximum of 7.5 metres
Driveways for residential uses with five (5) or more dwelling units and non-residential uses:		
Single traffic lane for travel in one direction	3 metres	4.5 6 metres
Double traffic lane for travel in one or two directions	7.5 6 metres	9 metres
Double traffic lane for travel in one or two directions plus one or more dedicated turning lanes where required in accordance with an approved site plan	9 metres	16 metres
Parking aisles:		
Parking aisles for parking spaces angled 75 or 90 degrees to a line parallel to the aisle	6 metres	7.5 metres
Parking aisles for parking spaces angled 60 degrees to a line parallel to the aisle	5 metres	
Parking aisles for parking spaces angled 45 degrees to a line parallel to the aisle	4 metres	
Parking aisles for parallel parking spaces	5 metres	

9. THAT, all other provisions of By-law 2017-70 continue to apply.

10. 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.

11. 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**

DRAFT

**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 October 10, 2023 and zero members of the public provided oral comments. One written comment was additionally received from a planning consulting firm on behalf of a developer. No other public comments were received. All comments received were evaluated by staff and Council through their decision.

File: 1601-007-23  
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

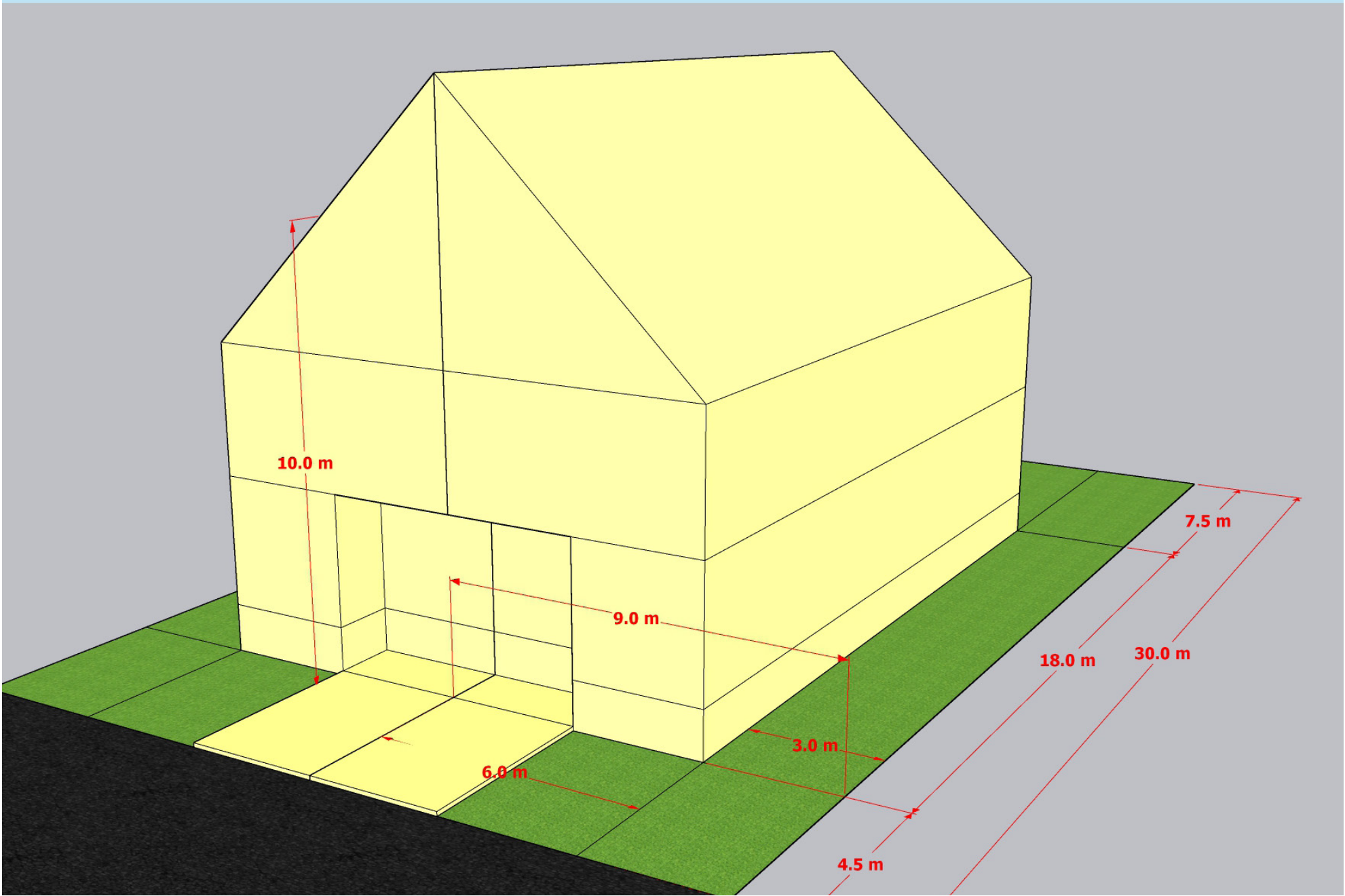


Under-built or In-efficient use of land





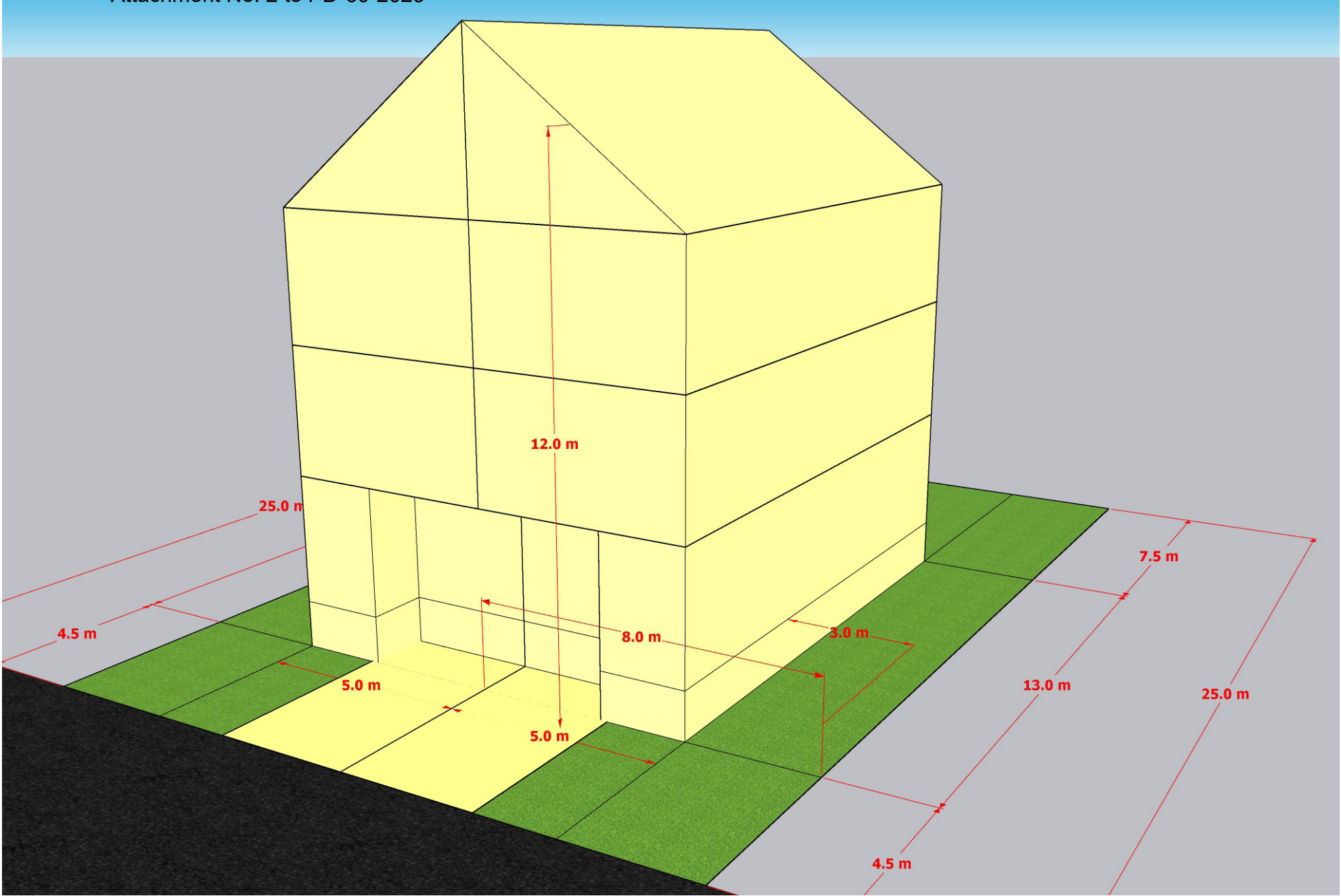
Semi-detached dwelling			
Permitted in zones	RM1	RM2	RM3
	X	X	X
Min. Lot Area/Unit	270m2	200 m2	
Min. Lot Frontage	9m/unit	8m/unit	
Min. Front Yard			
	Dwelling		
	Private Garage		
Min.Exterior Side Yard	4.5m		
	6m		
Minimum interior side yard	3m		
Adjoining a lot in a low density residential zone			
	3m(3)		
	1.2m(3)		
Adjoining a lot in any other zone			
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: 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		

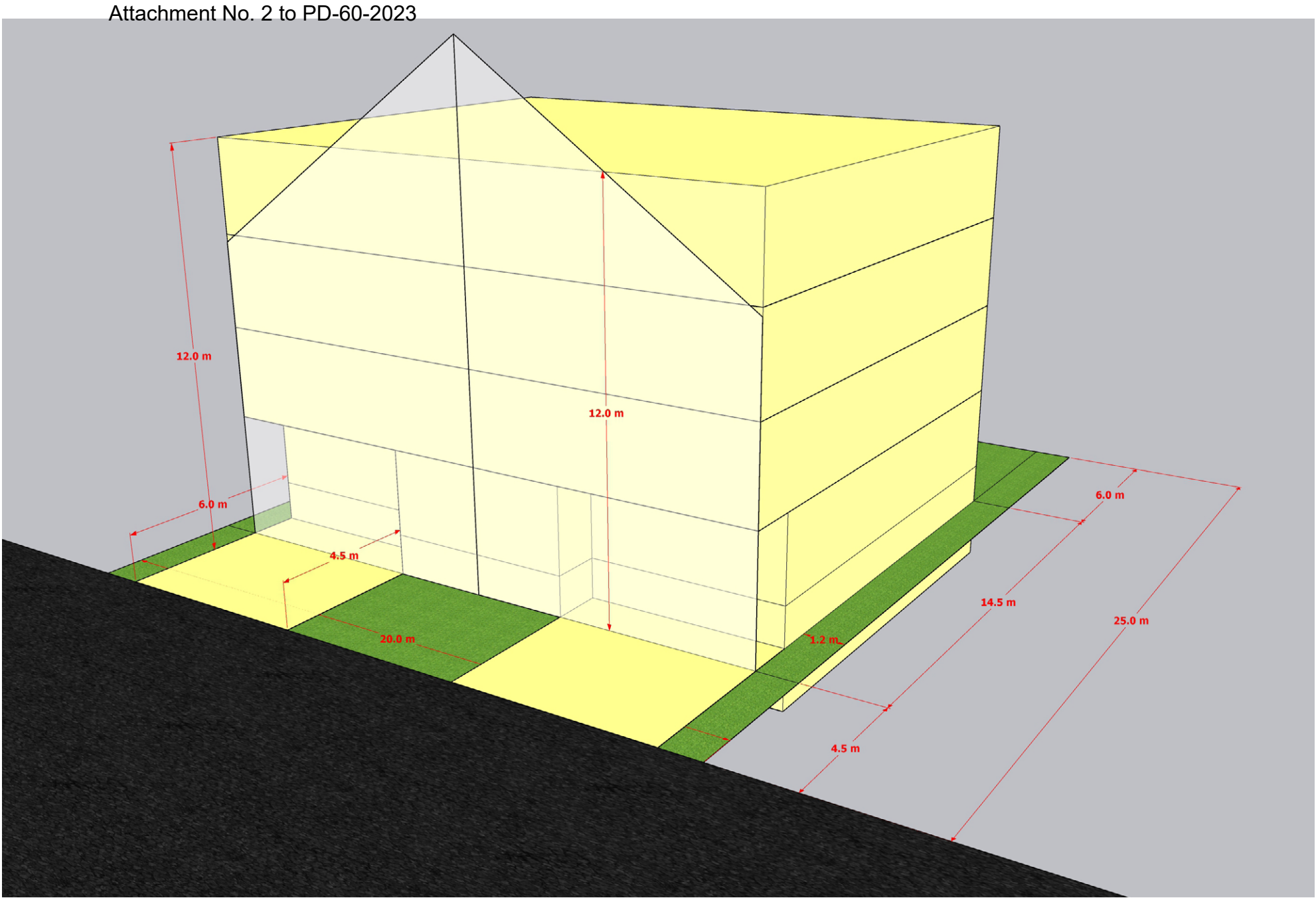


Zone: RM2 and RM3  
Potential to build ~2,000 SF/unit (including basement), with minimum lot area requirement, **33% lot coverage**, and meeting all other regulations.

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.



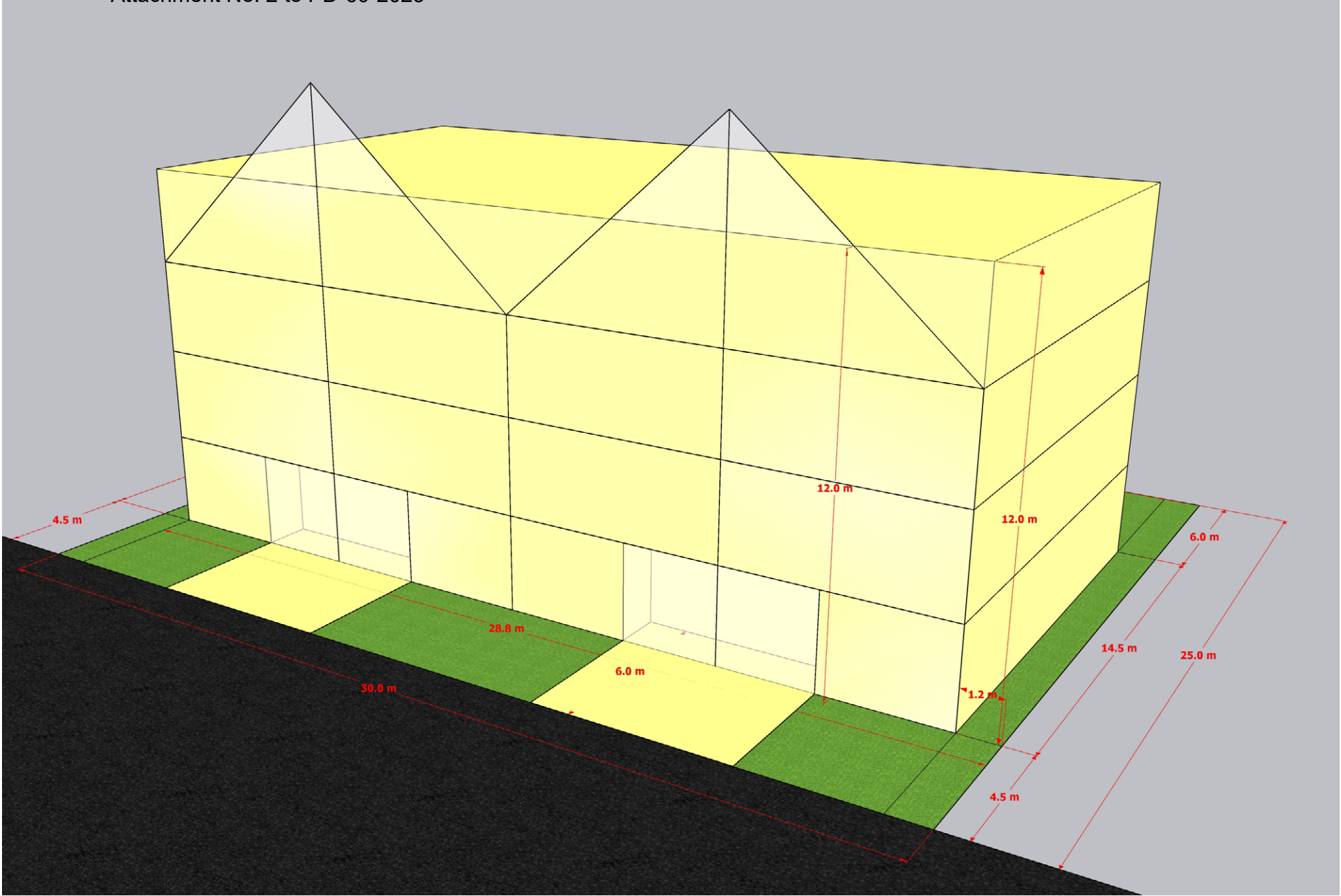
Duplex dwelling		
	RM1	RM2
Permitted in zones		X
Min. Lot Area/Unit		250m2
Min. Lot Frontage		20m
Min. Front Yard		
	<i>Dwelling</i>	4.5m
	<i>Private Garage</i>	6m
Min.Exterior Side Yard		3m
Minimum interior side yard		
<i>Adjoining a lot in a low density residential zone</i>		3m(3)
<i>Adjoining a lot 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	



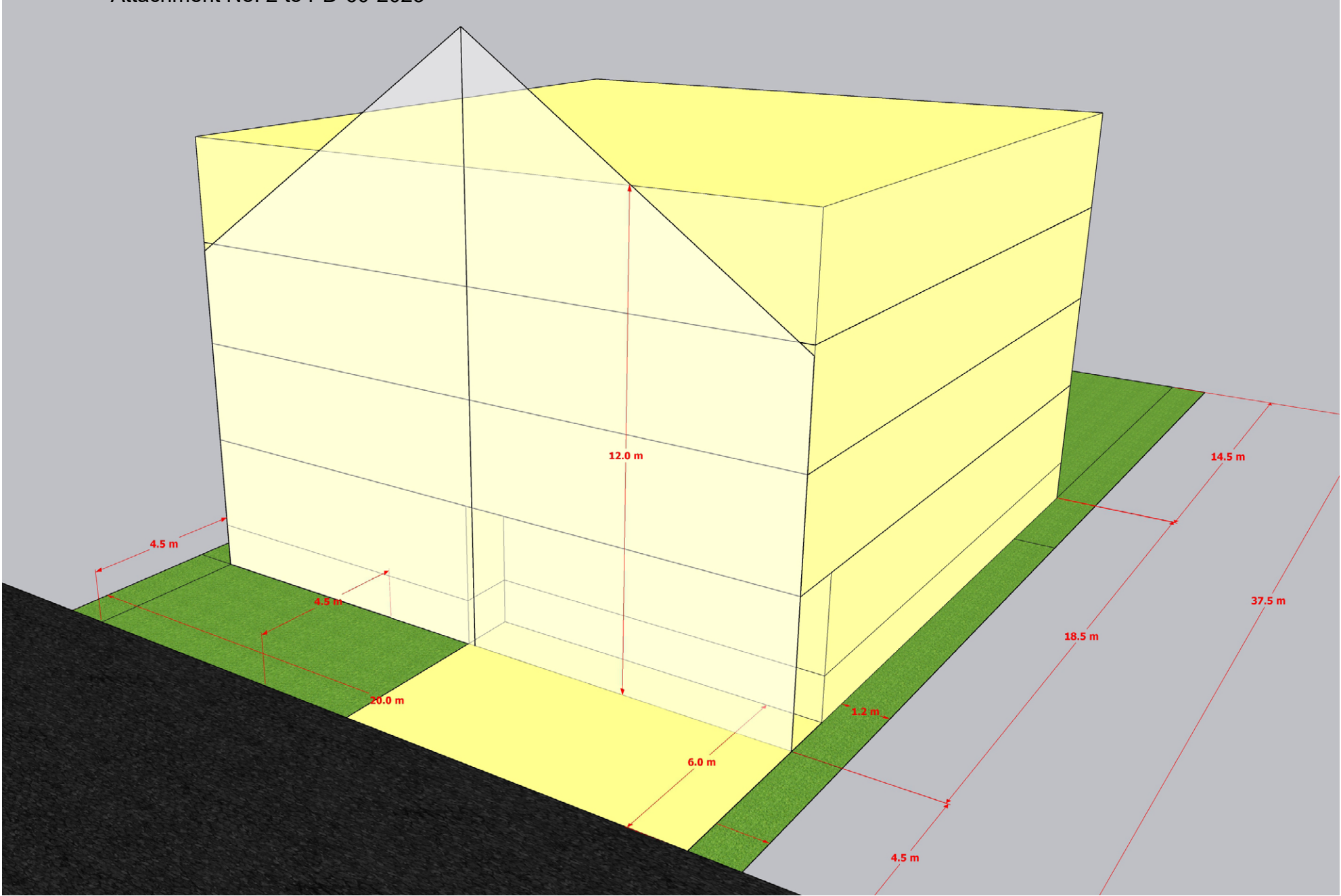
Zone: RM2  
With attached garage, potential to build ~4,700 SF/unit with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations.

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	4.5m	
	Private Garage	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)		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			
<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	45%	50%	
Minimum separation distance between dwellings on the same lot			
<i>Between exterior side walls</i>	N/A	3m	
<i>Between exterior front or rear walls</i>	N/A	12m	
<i>Between exterior front or rear walls and side walls</i>	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			
<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)		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-60-2023  
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*”.



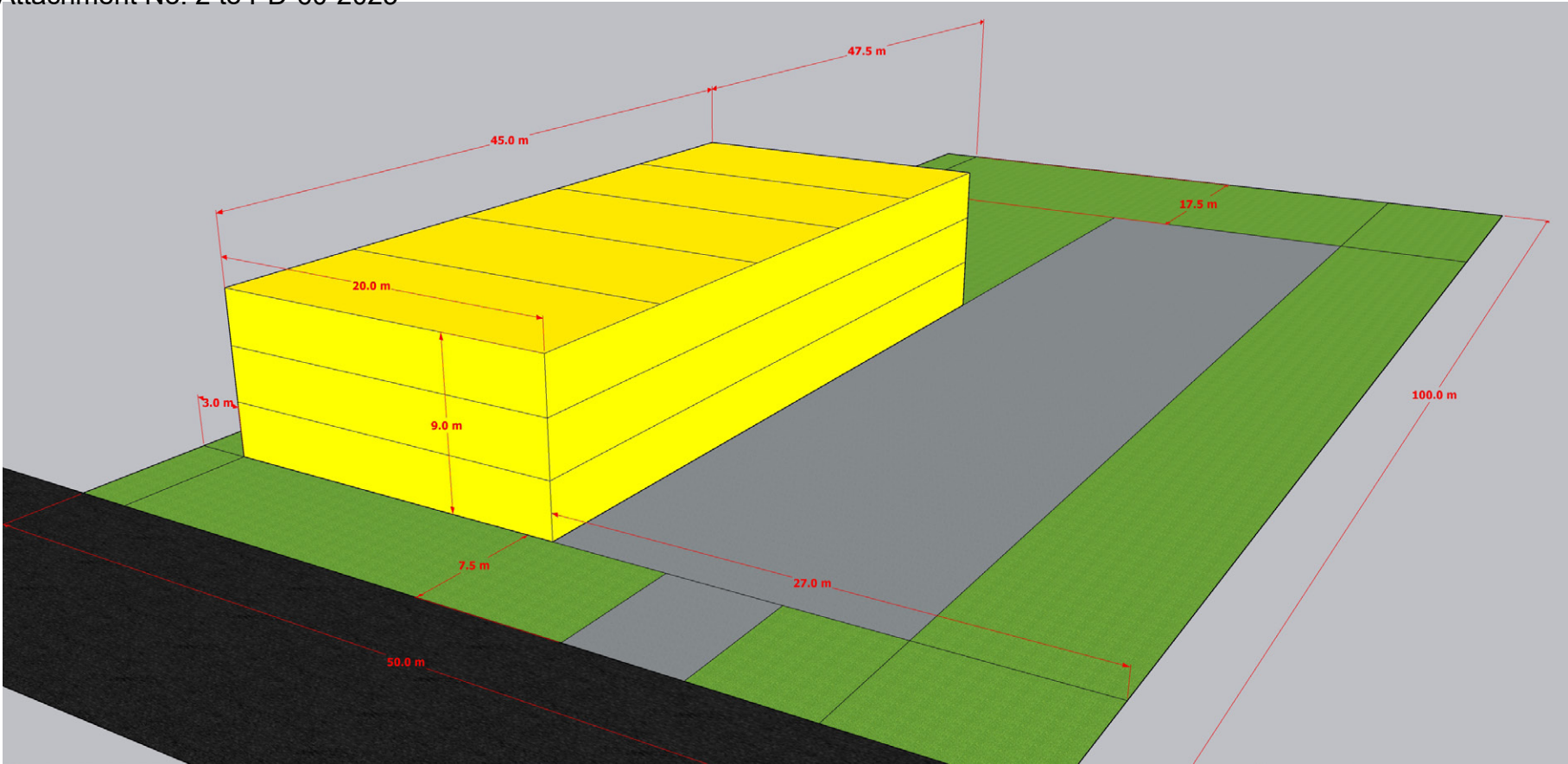
Back to Back townhouse dwelling				
	RM1	RM2	RM3	RM4
Permitted in zones				X
Min. Lot Area/Unit				75m2
Min. Lot Frontage				5.5m/unit
Min. Front Yard				
	<i>Dwelling</i>			4.5m
				6m
Min.Exterior Side Yard				3m
Minimum interior side yard				
<i>Adjoining a lot in a low density residential zone</i>				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*).

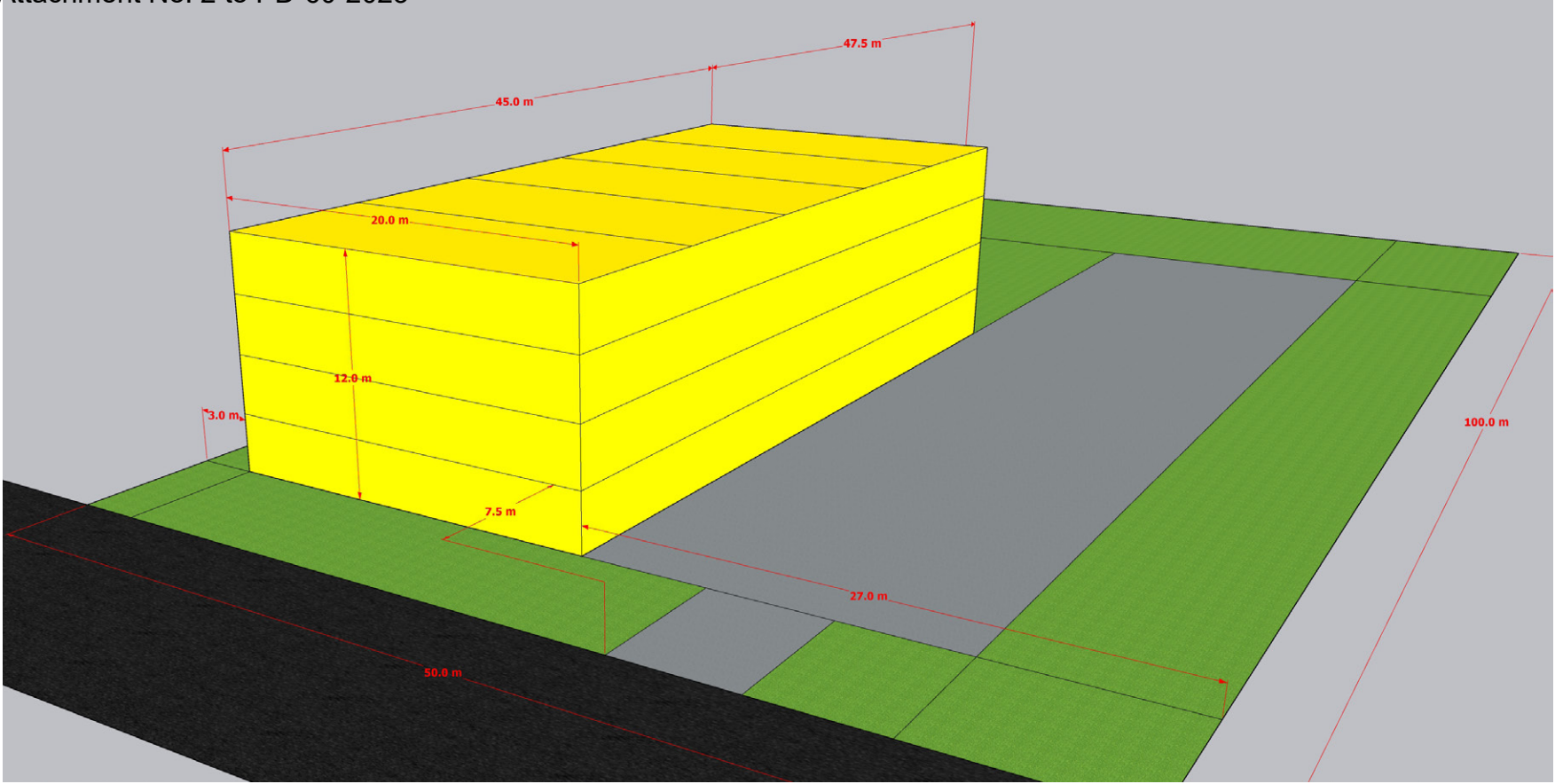
1) As the residential high density zone (RH) is the densest form of dwelling, I would recommend to reduce the minimum lot area requirement to 60 SM to allow for a compact and efficient form of apartment dwelling. (*For comparison, City of Brantford has Min. lot area requirement of 50SM for apartments 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-60-2023



Retirement Home

RH Zone: Same comment as above.

Good afternoon Jeni

Regional staff has reviewed the proposed Township of West Lincoln House Keeping Amendments No. 7 (File No. 1601-007-23). Staff note that the proposed amendments do not impact any Regional & Provincial interests.

As an observation, staff has noted that there is a typo below Table 15 (footnote #4) where 'unit' is spelt 'unti'.

Thank you,

**Connor Wilson**

Development Planner  
Growth Strategy and Economic Development  
Niagara Region  
Phone: 905-980-6000 Ext. 3399  
1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, ON L2V 4T7



**From:** Jeni Fisher <[jfisher@westlincoln.ca](mailto:jfisher@westlincoln.ca)>  
**Sent:** September 18, 2023 11:43 AM  
**To:** Brian Treble <[btreble@westlincoln.ca](mailto:btreble@westlincoln.ca)>  
**Cc:** Norio, Ann-Marie <[Ann-Marie.Norio@niagararegion.ca](mailto:Ann-Marie.Norio@niagararegion.ca)>; Sue Mabee <[Sue.Mabee@dsbn.org](mailto:Sue.Mabee@dsbn.org)>; Clark.Euale@ncdsb.com; mbirbeck@npca.ca; [Notifications@enbridge.com](mailto:Notifications@enbridge.com); [ro.wcentre@bell.ca](mailto:ro.wcentre@bell.ca); Busnello, Pat <[pat.busnello@niagararegion.ca](mailto:pat.busnello@niagararegion.ca)>; Wilson, Connor <[Connor.Wilson@niagararegion.ca](mailto:Connor.Wilson@niagararegion.ca)>; CP Proximity-Ontario@cpr.ca; [mr18enquiry@mpac.ca](mailto:mr18enquiry@mpac.ca); [tedc@metisnation.org](mailto:tedc@metisnation.org); Derrick Pont <[pontdj@hotmail.com](mailto:pontdj@hotmail.com)>; Consultation <[consultations@metisnation.org](mailto:consultations@metisnation.org)>; Leroy Hill <[jocko@sixnationsns.com](mailto:jocko@sixnationsns.com)>; [hdi2@bellnet.ca](mailto:hdi2@bellnet.ca); Tracey General <[traceyghdi@gmail.com](mailto:traceyghdi@gmail.com)>; Fawn Sault <[Fawn.Sault@mncfn.ca](mailto:Fawn.Sault@mncfn.ca)>; [megan.devries@mncfn.ca](mailto:megan.devries@mncfn.ca); [Peter.Epler@mncfn.ca](mailto:Peter.Epler@mncfn.ca); Lonny Bomberry <[lonnybomberry@sixnations.ca](mailto:lonnybomberry@sixnations.ca)>; Dawn LaForme <[dlaforme@sixnations.ca](mailto:dlaforme@sixnations.ca)>; [tanyahill-montour@sixnations.ca](mailto:tanyahill-montour@sixnations.ca); Jennifer Dockstader <[executivedirector@fenfc.org](mailto:executivedirector@fenfc.org)>; Chris Shawanoo <[executivedirector@nrnc.ca](mailto:executivedirector@nrnc.ca)>; Mike DiPaola <[mdipaola@westlincoln.ca](mailto:mdipaola@westlincoln.ca)>; Jennifer Bernard <[jbernard@westlincoln.ca](mailto:jbernard@westlincoln.ca)>; Tim Hofsink <[thofsink@westlincoln.ca](mailto:thofsink@westlincoln.ca)>; Dennis Fisher <[dfisher@westlincoln.ca](mailto:dfisher@westlincoln.ca)>; John Bartol <[jbartol@westlincoln.ca](mailto:jbartol@westlincoln.ca)>; Lyle Killins <[killins@live.com](mailto:killins@live.com)>; Jessica Dyson <[jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca)>; Justin Paylove <[jpaylove@westlincoln.ca](mailto:jpaylove@westlincoln.ca)>; Beverly Hendry <[bhendry@westlincoln.ca](mailto:bhendry@westlincoln.ca)>; DL-Council Members <[DL-CouncilMembers@westlincoln.ca](mailto:DL-CouncilMembers@westlincoln.ca)>; Dave Heyworth <[dheyworth@westlincoln.ca](mailto:dheyworth@westlincoln.ca)>; Susan Smyth <[ssmyth@westlincoln.ca](mailto:ssmyth@westlincoln.ca)>; Stephanie Pouliot <[spouliot@westlincoln.ca](mailto:spouliot@westlincoln.ca)>; Lisa Kasko-Young <[lyoung@westlincoln.ca](mailto:lyoung@westlincoln.ca)>; [Newdevelopment@rci.rogers.com](mailto:Newdevelopment@rci.rogers.com); [Randy.Leppert@cogeco.com](mailto:Randy.Leppert@cogeco.com); [friedmanjo.e21@gmail.com](mailto:friedmanjo.e21@gmail.com); [mike@sullivanplanning.ca](mailto:mike@sullivanplanning.ca); [jim.sorley@npei.ca](mailto:jim.sorley@npei.ca); Ray Vachon <[rvachon@westlincoln.ca](mailto:rvachon@westlincoln.ca)>; [fredv@royallepage.ca](mailto:fredv@royallepage.ca); [suzanne@christianfarmers.org](mailto:suzanne@christianfarmers.org); West Lincoln

Chamber <[westlincolnchamber@bellnet.ca](mailto:westlincolnchamber@bellnet.ca)>

**Subject:** Notice of Public Meeting

**CAUTION EXTERNAL EMAIL:** This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good Morning,

Please find attached the Notice of Public Meeting for Township of West Lincoln Housekeeping Amendments No. 7 (File No. 1601-007-23), to be held on October 10<sup>th</sup>, 2023 at 6:30pm.

If you have any concerns or comments, please be sure to send them prior to September 29<sup>th</sup> by 4pm so have them included in the staff report or up until October 6<sup>th</sup> 4pm to be read into public record.

Sincerely,

Jeni

***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.***



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**From:** Rob Brouwer <[rob@bigcountryraw.ca](mailto:rob@bigcountryraw.ca)>  
**Date:** September 22, 2023 at 1:29:41 PM EDT  
**To:** Brian Treble <[btreble@westlincoln.ca](mailto:btreble@westlincoln.ca)>  
**Subject: Building Max Height - Housekeeping Amendment**

Hi Brian

Wanted to find out if you could propose a maximum building height change from 10M to 15M at your upcoming housekeeping amendment meeting.

Many new warehouse builds (if not most) now are much higher than 10M, as they reduce the land footprint, and are more economical to build. Warehouse lift trucks are also getting much more advanced/automated allowing palletization at greater heights.

I took a quick look at it appears the welland by-law is already at 15M. I have attempted to attach a link below. You can find the information on section 12, page 12-4.

[https://ehq-production-canada.s3.ca-central-1.amazonaws.com/14581bc46712e3ade0845ecea55d8205b3111f22/original/1620219838/1f21c9a5d14e7cb006644d8405240610\\_City\\_of\\_Welland\\_-\\_Industrial\\_and\\_Agricultural-Rural\\_Zoning.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKIOR7VAOP4%2F20230922%2Fca-central-1%2Fs3%2Faws4\\_request&X-Amz-Date=20230922T161123Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=b005a1ebf6647634864dd5d347aace987a0cc83c1e9b5ddfd02dcb07a7a4217a](https://ehq-production-canada.s3.ca-central-1.amazonaws.com/14581bc46712e3ade0845ecea55d8205b3111f22/original/1620219838/1f21c9a5d14e7cb006644d8405240610_City_of_Welland_-_Industrial_and_Agricultural-Rural_Zoning.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKIOR7VAOP4%2F20230922%2Fca-central-1%2Fs3%2Faws4_request&X-Amz-Date=20230922T161123Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=b005a1ebf6647634864dd5d347aace987a0cc83c1e9b5ddfd02dcb07a7a4217a)

If you need any other information from me in advanced of your meeting, I'm happy to help.

Thanks!

Rob Brouwer  
President  
Big Country Raw Ltd

October 5, 2023

Brian Treble  
Director of Planning and Building  
Township of West Lincoln  
[btreble@westlincoln.ca](mailto:btreble@westlincoln.ca)

**RE: Zoning By-law Housekeeping Amendment No. 7**  
**File No. 1601-007-23**

---

Dear Mr. Treble

NPG Planning Solutions Inc. are planning consultants to Phelps Homes Ltd. on various lands within the Township.

We understand that a Public Meeting is scheduled for October 10, 2023 regarding File No. 1601-007-23, a proposed Housekeeping Amendment to Comprehensive Zoning By-law 2017-70. We are pleased to provide this comment letter for Council and Staff review. Our comments revolve around the proposed changes/additions to the Accessory Dwelling Unit regulations as well as changes to the Residential Multiple Zone regulations.

### **Accessory Dwelling Units**

We appreciate the Township's efforts to update the Zoning By-law for consistency with recent *Planning Act* changes to additional residential units provisions/regulations. We have reviewed the proposed changes outlined in the draft Zoning By-law Amendment (attached to PBD-48-2023), and have the following questions and comments related to the Accessory Dwelling Unit (ADU) provisions:

1. 3.2.1 a)

Why does this provision restrict ADU location to above the ground floor? Does this restrict basement units and ground floor units within a dwelling? Does this restrict ground floor units in an accessory building? Consider removing this restriction.



2. 3.2.1 c)

This section states that ADUs shall comply with the regulations of the applicable zone. Is this minimum lot area per dwelling unit regulation (Tables 14 and 15) intended to apply to ADUs, in addition to the principal dwelling unit? Consider clarifying that ADUs are not subject to this regulation, as this would restrict the creation of ADUs.

3. 3.2.1 g)

Are the regulations in subsection g) only intended to apply to ADUs in non-residential zones? They do not appear to apply to ADUs in residential zones properties. Please confirm.

4. 3.2.1 g) ii)

This subsection contains minimum and maximum floor areas for ADUs in non-residential zones. Does this contravene subsection 35.1(1.2), which stipulates that minimum floor areas cannot be regulated for additional residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land? Per comment 3 above, if 3.2.1 g) does not apply to residential zones, this comment may be moot. Please confirm.

5. *Table 13: Permitted Uses in Residential Zones*

This table should be amended to permit ADUs in RM1, RM2, RM2, RM4 and RH Zones.

## **Residential Multiple Zones**

We have reviewed the amended version of *Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones*. We commend the Township for updating its zoning regulations for medium and high density uses as this is an important part of streamlining development approvals. The following comments are offered for consideration:

6. Definition of “stacked townhouse dwelling”

The Definition of stacked townhouse dwelling stated that “pairs of dwelling units are stacked and divided vertically and each pair of dwelling units is divided horizontally from the next attached pair, and each dwelling unit has an independent entrance from the exterior of the dwelling to the interior of the dwelling unit”.

- a) The definition states that each module of a stacked townhouse would only have a pair of units (two). It is not uncommon for stacked townhouses to have three units in each module. Consider revising to eliminate restrictions of three module stacked townhouses.
- b) The definition states that each dwelling unit must have an independent entrance from the exterior of the dwelling to the interior of the dwelling unit. It is not uncommon for stacked townhouse dwellings to have entrances from a common hallway or vestibule. Consider revising.

7. *Table 15: Permitted Uses in Medium and High Density Residential Zones*

- a) There are no RM4 provisions for stacked townhouses although it is a permitted use in this zone.
- b) Stacked back to back townhouses are permitted in the RM4 Zone with a minimum lot area of 50m<sup>2</sup> per unit (footnote 7). This equates to the highest density of any dwelling unit in any zone. The Township should consider decreasing the minimum lot area per unit for apartment dwellings to be in line with stacked back to back townhouses. Related to Table 13, stacked back to back townhouses should also be permitted in the RH Zone at this density.
- c) Related to Table 13, back to back townhouses and stacked back to back townhouses should also be permitted in the RM3 Zone, similar to back to back townhouses.
- d) Maximum height in RM1 to RM3 Zone is currently 12 m and is proposed to be changed to 10 m in certain zones. The Table is not clear as to what zone this change will occur in, as there is a formatting issue with the table columns. We assume the intent is to reduce the height in the RM2 Zone only.
- e) Addition to footnote 5, related to massing of 4<sup>th</sup> floor: in our opinion this is not an appropriate zoning regulation and should be contained in Urban Design Guidelines. This appears to be GSPs opinion a well, per the February 2022 GSP Memo.

We look forward to participating in continued discussions on this matter and reviewing the final draft By-laws.

Sincerely,

A handwritten signature in dark ink, appearing to read "A Butler". The signature is written in a cursive, flowing style.

**Aaron Butler, MCIP, RPP**  
Principal Planner, Niagara  
NPG Planning Solutions Inc.