



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

**MEETING NO. ONE**

**Monday, February 12, 2024, 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.

**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 and Building (Brian Treble)

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

**VERBAL UPDATE**

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

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

2.2 Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Legal update for Ontario Land Tribunal (OLT) - File No. OLT-24-000030

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

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

**2.3 Interim CAO/Treasurer (Donna DeFilippis)**

Re: Personnel Matter - Finance Personnel Update

**VERBAL UPDATE**

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

- Personal matters about an identifiable individual, including municipal or local board employee(s);
- Labour relations or employee negotiations.

**2.1 ITEM P01-24**

Director of Planning and Building (Brian Treble)

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

**VERBAL UPDATE**

**2.2 ITEM P02-24**

Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Legal update for Ontario Land Tribunal (OLT) - File No. OLT-24-000030

**2.3 ITEM P03-24**

Interim CAO/Treasurer (Donna DeFilippis)

Re: Personnel Matter - Finance Personnel Update

**VERBAL UPDATE**

**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.

**5. APPOINTMENTS**

**5.1 ITEM P04-24**

Blake Landry, Manager, Economic Research & Analysis - Niagara Region

Re: West Lincoln Agricultural Profile  
**POWERPOINT PRESENTATION**

7

**6. PUBLIC MEETING(S)**

**6.1 Backyard Chickens (Township of West Lincoln) - Public Consultation**

**6.2 Update of Accessible Parking Regulations (Township of West Lincoln) - Zoning By-Law Amendment**

**6.3 1738 Caistor Gainsborough Townline Road (Brad Snippe) - Zoning By-Law Amendment**

**6.4 8399 Concession 2 Road (James Smith) - Zoning By-Law Amendment and Temporary Use By-Law**

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

**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 P05-24**

29

Senior Planner (Susan Smyth)

Re: Recommendation Report PD-07-2024 - Application for Temporary Use Zoning By-law Amendment for 9127 Regional Road 20 (File No. 1601-010-23)

**RECOMMENDATION:**

1. That, Recommendation Report PD-07-2024, regarding “Application for Temporary Use Zoning By-law Amendment for 9127 Regional Road 20”, dated February 12, 2024 be received; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, Planning Staff will require a Temporary Use Agreement and Site Plan that requires the Owner to work towards site clean-up over time; and,
4. That, application for Temporary Zoning By-law 1601-010-23 submitted by Larry Pomerantz (Agent) on behalf of Mr. Giovanni Diflavio (Owner) and as presented in the attached bylaw for a period of 18 months be approved.

**11.2 ITEM P06-24**

50

Manager of Planning (Gerrit Boerema)

Re: Information Report PD-09-2024 - Site Plan and Development Agreement Approval Update

**RECOMMENDATION:**

That, Information Report PD-09-2024, regarding “Site Plan and Development Agreement Approval Update”, dated February 12, 2024, be received.

**11.3 ITEM P07-24**

59

Director of Planning & Building (Brian Treble)

Re: Report PD-10-2024 - Confirmation of Road Closing Between Lots 33 and 34 Concession 6, Gainsborough Ward, Township of West Lincoln

**RECOMMENDATION:**

1. That, Report PD-10-2024, regarding “Confirmation of Road Closing Between Lots 33 and 34 Concession 6, Gainsborough Ward, Township of West Lincoln”, dated February 12, 2024 be received; and,

2. That, a By-law be passed, such as the draft by-law found at Schedule 2 to this report, to confirm the closing of the road allowance between lots 33 and 34 Concession 6, former Township of Gainsborough and now described as Parts 5, 6, and 7 RP 30R-6275 on a survey dated February 22, 1990; and,
3. That, staff be instructed to approach the other three affected property owners to the north to confirm closing of the road allowance adjacent to or on their lands as well; and,
4. That, costs of registration of the confirming by-law be borne by the Township of West Lincoln.

**11.4 ITEM P08-24**

68

Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-12-2024 - Zoning By-law Amendment for Updating Accessible Parking Regulations

**RECOMMENDATION:**

1. That, Recommendation Report PD-12-2024, regarding “Zoning By-law Amendment for Updating Accessible Parking Regulations”, dated February 12, 2024 be received; and,
2. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*; and,
3. That, a By-law be passed, such as the draft by-law found at Schedule 1 to this report.

**11.5 ITEM P09-24**

92

Planner (Stephanie Pouliot)

Re: Recommendation Report PD-08-2024 - Application for Zoning By-law Amendment for 1738 Caistor-Gainsborough Townline Road

**RECOMMENDATION:**

1. That, Recommendation Report PD-08-2024, regarding “Application for Zoning By-law Amendment for 1738 Caistor-Gainsborough Townline Road”, dated February 12, 2024 be received; and,
2. That, the application for Zoning By-law Amendment submitted by Brad Snippe owner of 1738 Caistor-Gainsborough Townline Road be approved in accordance with the attached Zoning By-law Amendment with the site-specific regulations, and that Council authorize the Mayor and Clerk to sign the necessary by-laws; 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*.

**11.6 ITEM P10-24**

107

Senior Planner (Madyson Ettl)

Re: Recommendation Report PD-06-2024 - Temporary Use By-Law  
Application 8399 Concession 2 Road

**RECOMMENDATION:**

1. That, Recommendation Report PD-06-2024, regarding “Application for Temporary Use Zoning By-Law Amendment for 8399 Concession 2 Road”, dated February 12, 2024 be received; and,
2. That a bylaw, such as the Draft By-law attached in Schedule B, be approved; and,
3. That, the Director of Planning and Building be authorized to enter into a Temporary Use Agreement with the owners; and,
4. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

**11.7 ITEM P11-24**

120

Director of Planning & Building (Brian Treble)

Re: Technical Report PD-11-2024 - Backyard Chickens

**RECOMMENDATION:**

1. That, Technical Report PD-11-2024, regarding “Backyard Chickens”, dated February 12, 2024 be received; and,
2. That, a Recommendation Report be submitted to a future Planning/Building/Environmental Committee once all public and agency comments have been taken into account and a full staff and agency review has been completed.

**12. OTHER BUSINESS**

**12.1 ITEM P12-24**

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).

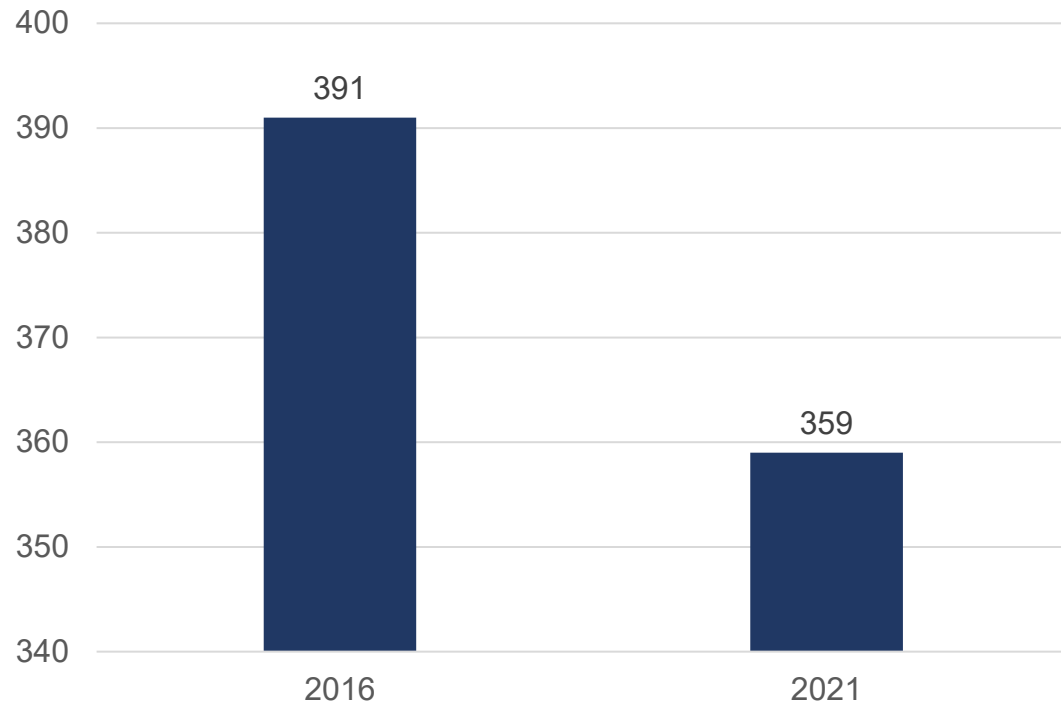
**14. ADJOURNMENT**

# NIAGARA REGION ECONOMIC DEVELOPMENT

CONNECT | EXPAND | GROW

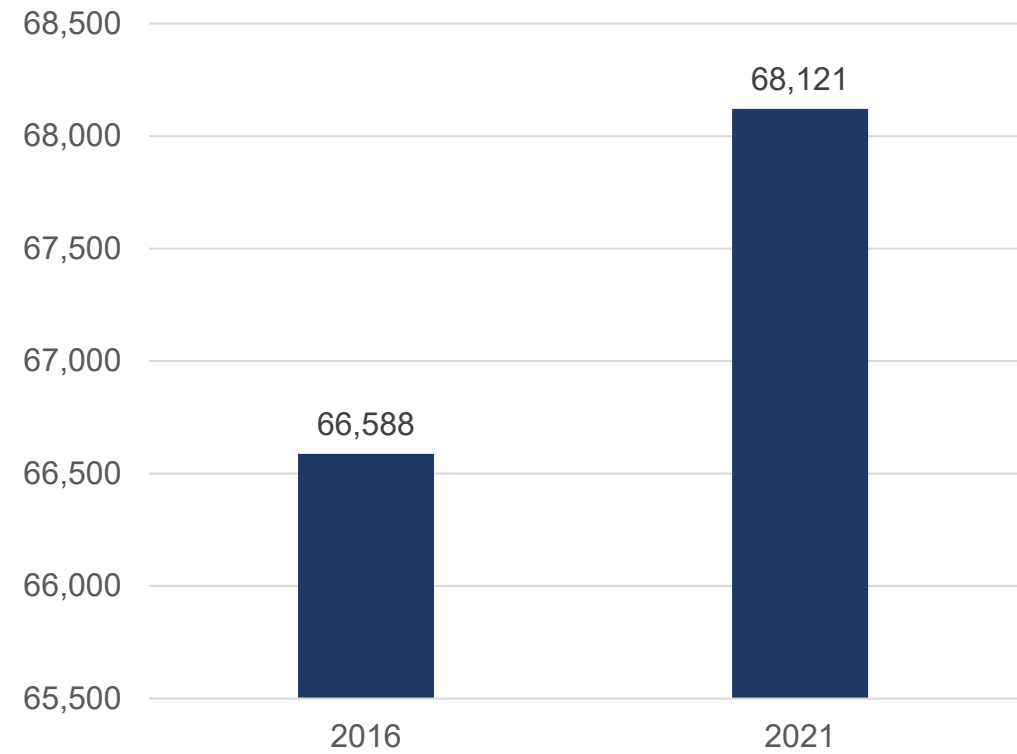


# Total Farms, West Lincoln

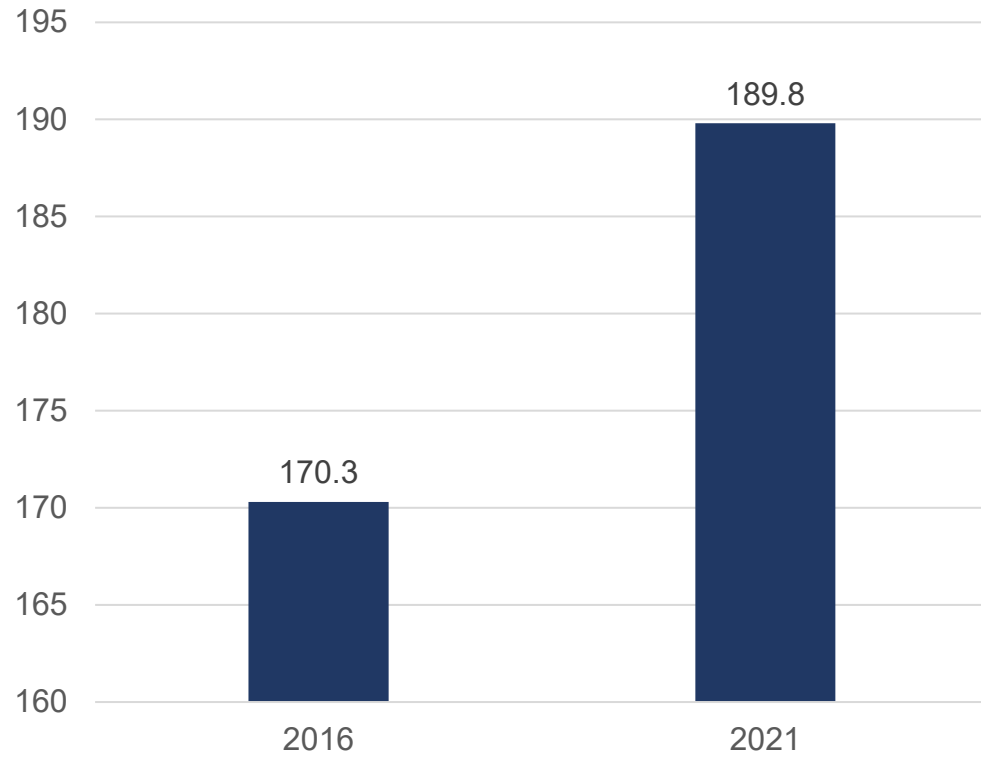




# Farmland Area (Acres), West Lincoln

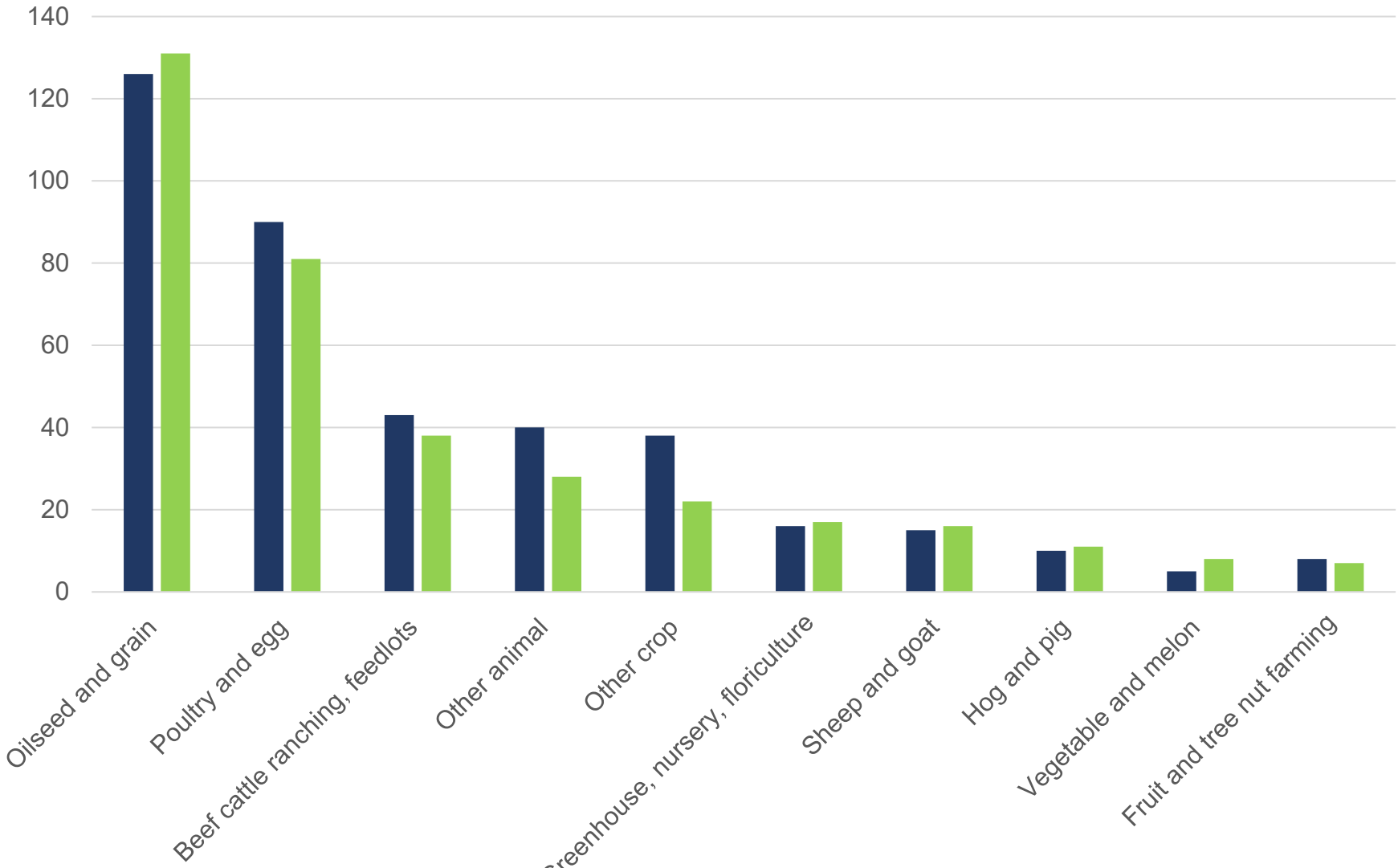


# Average Farm Size (Acres), West Lincoln



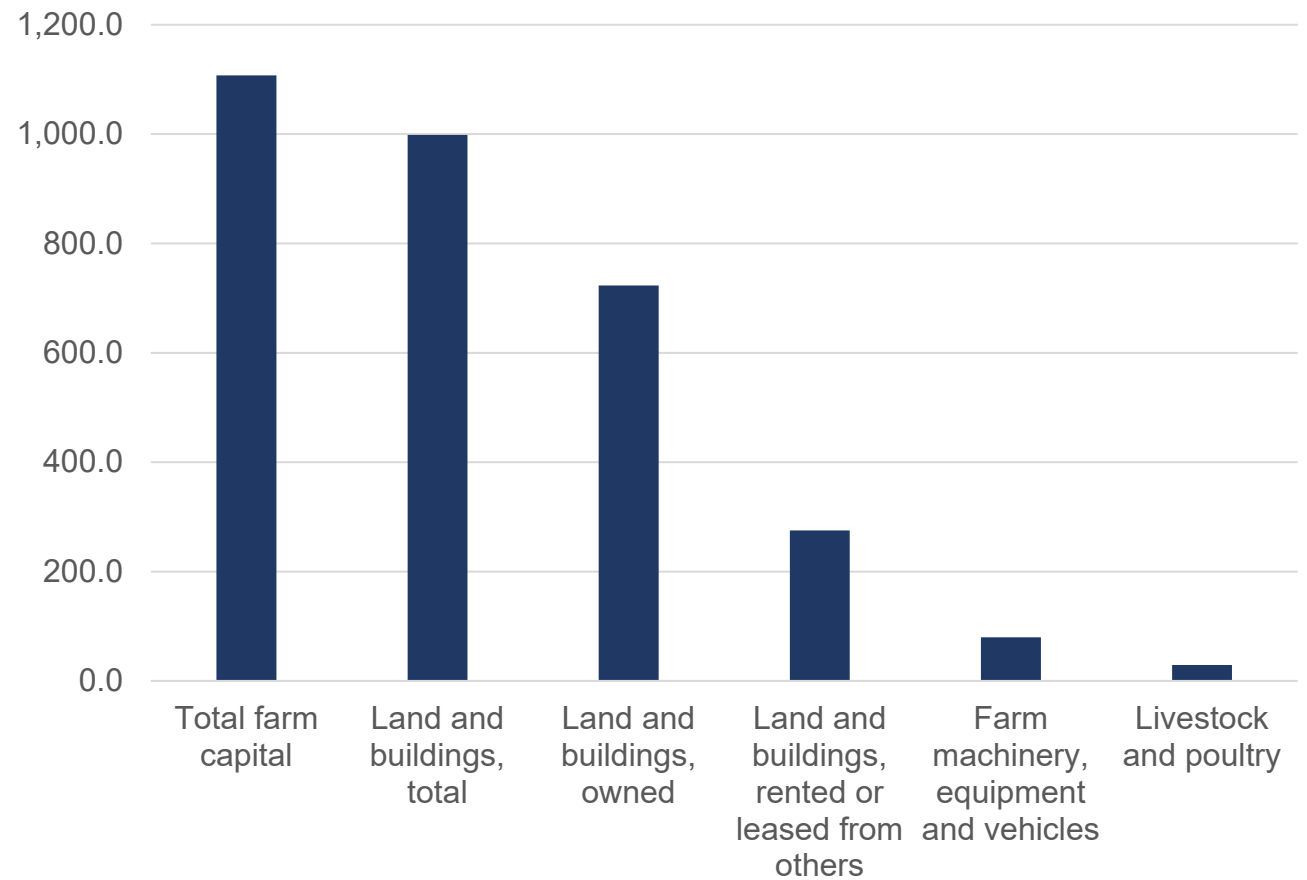


# Farms by Type, West Lincoln

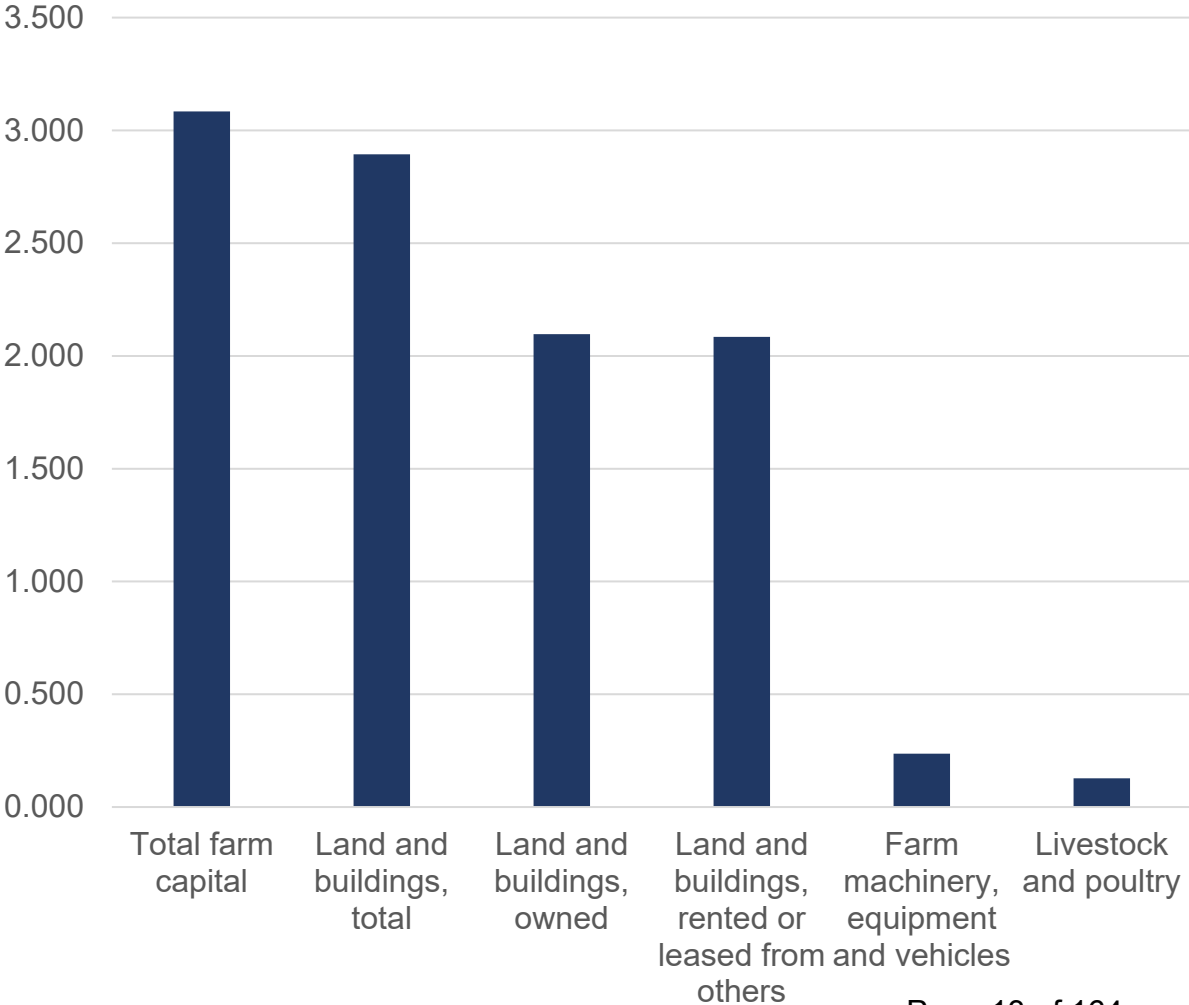




## Total Farm Capital (\$ Millions), West Lincoln



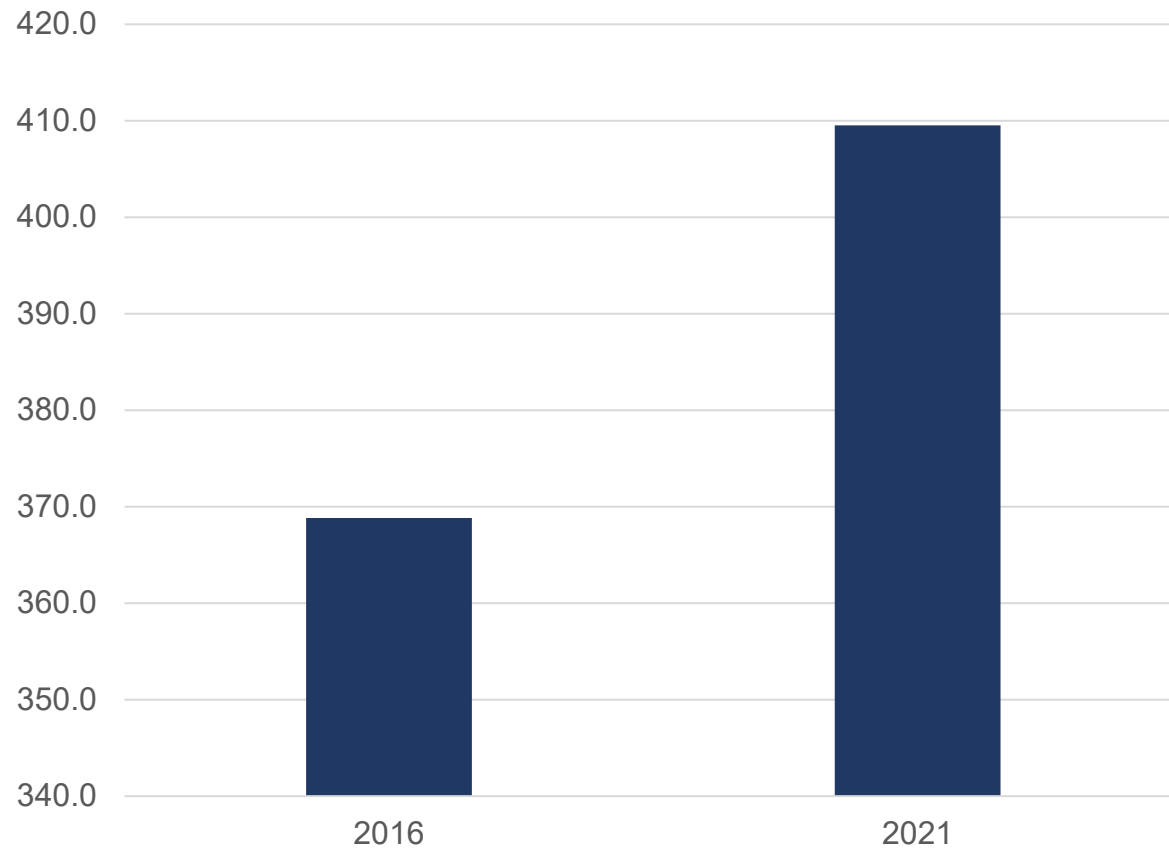
# Average Farm Capital (\$ Millions), West Lincoln





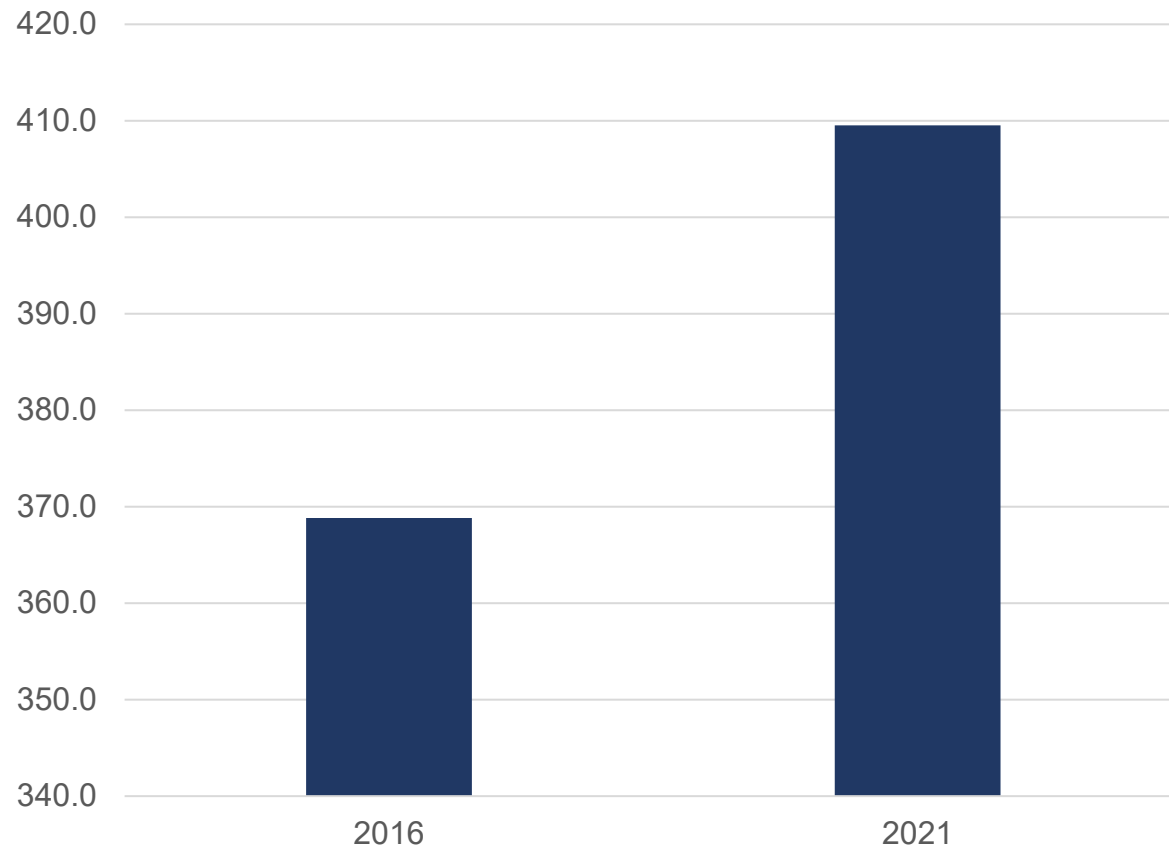


## Average Farm Revenue (\$ Thousands), West Lincoln

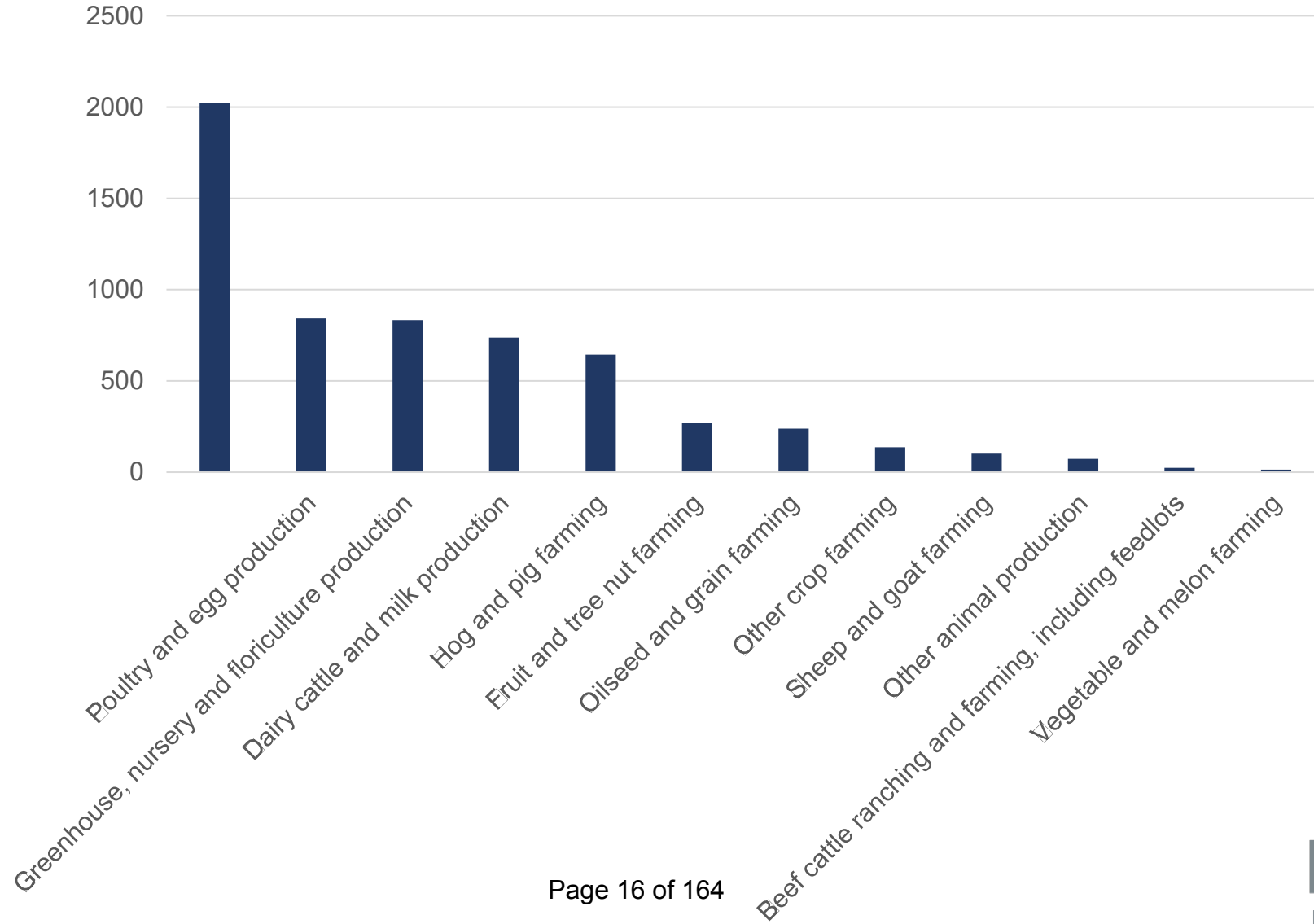




## Average Farm Revenue (\$ Thousands), West Lincoln

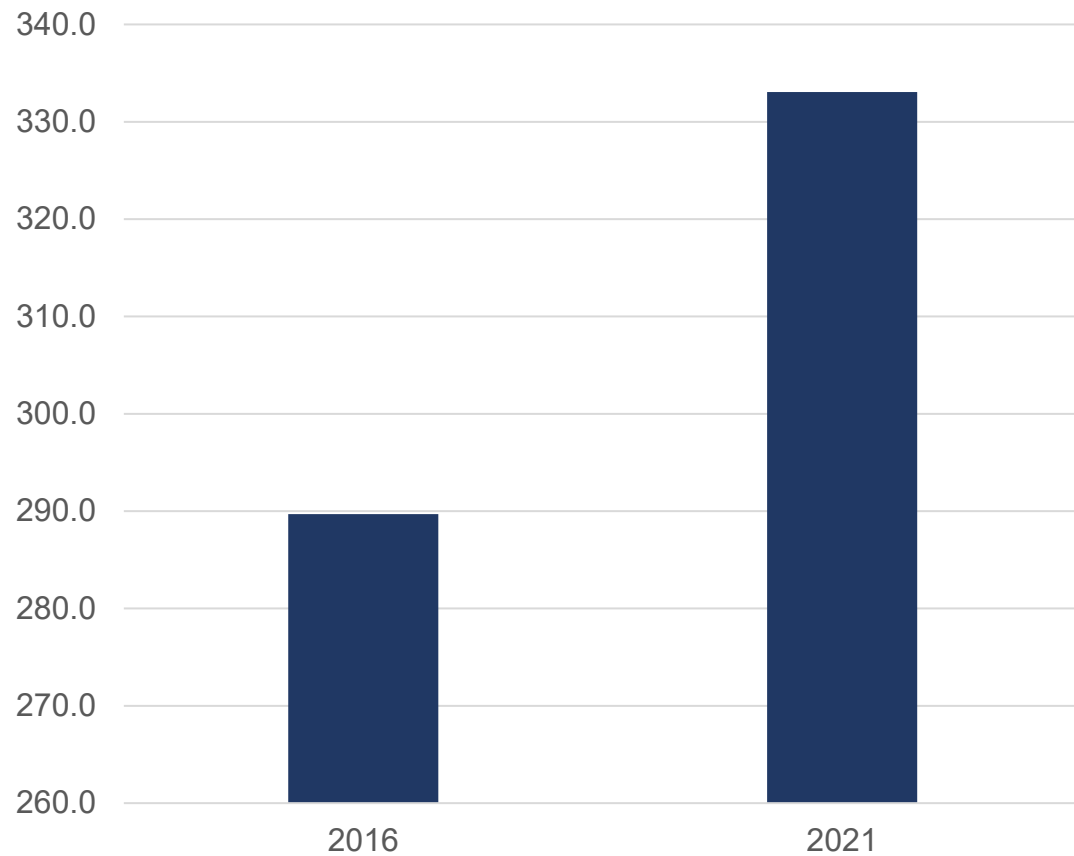


# Average Revenue by Farm Type (\$ Thousands), West Lincoln

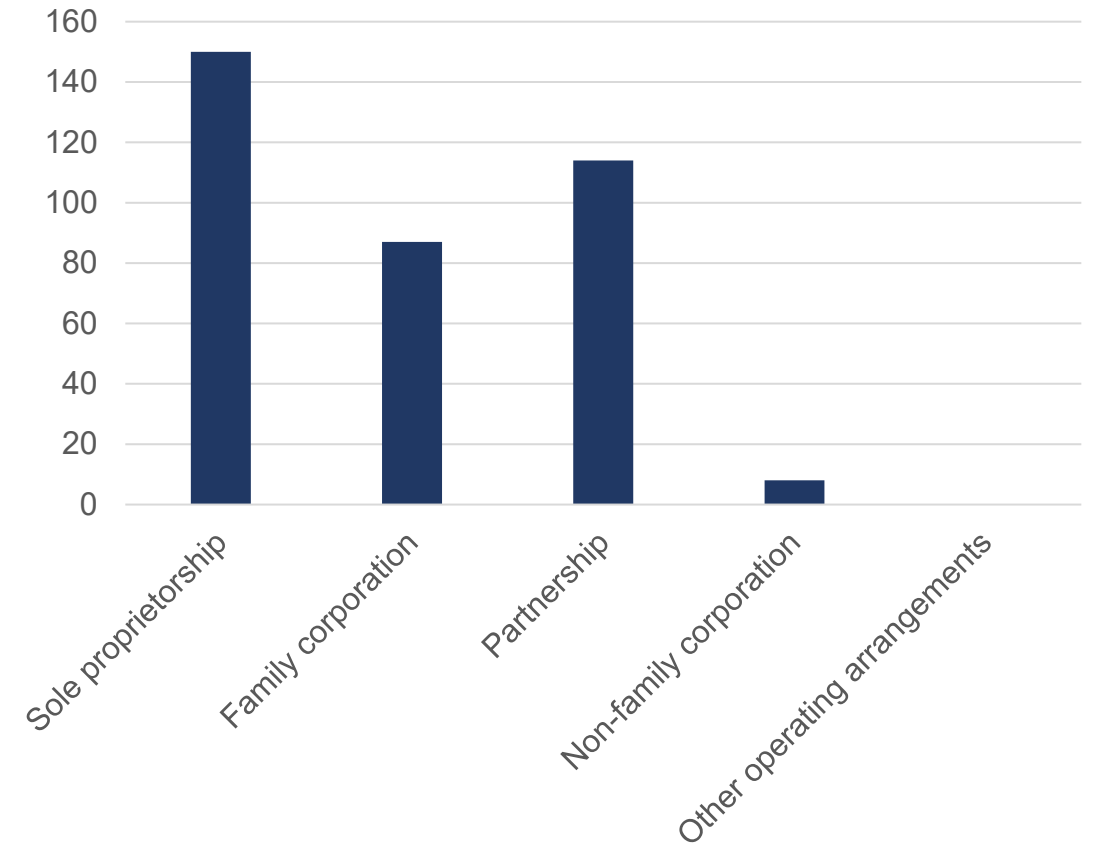




# Average Farm Expenses (\$ Thousands), West Lincoln

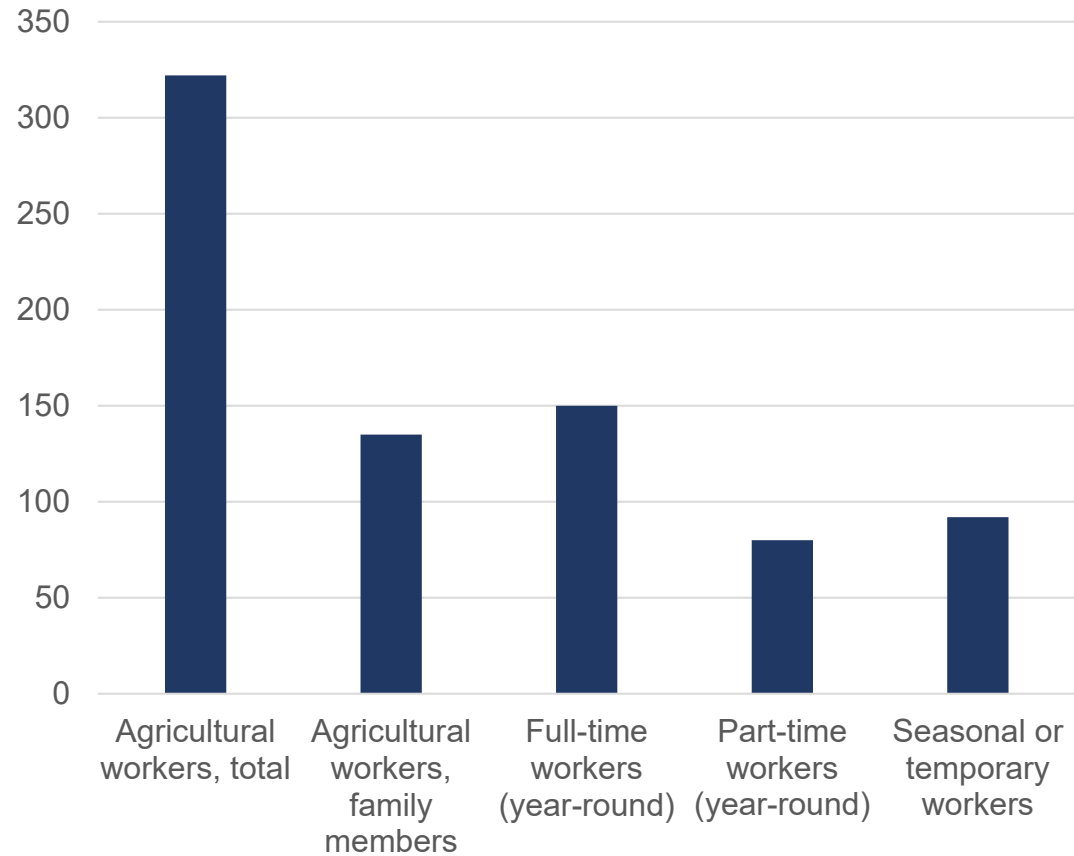


# Farms by Business Structure, West Lincoln



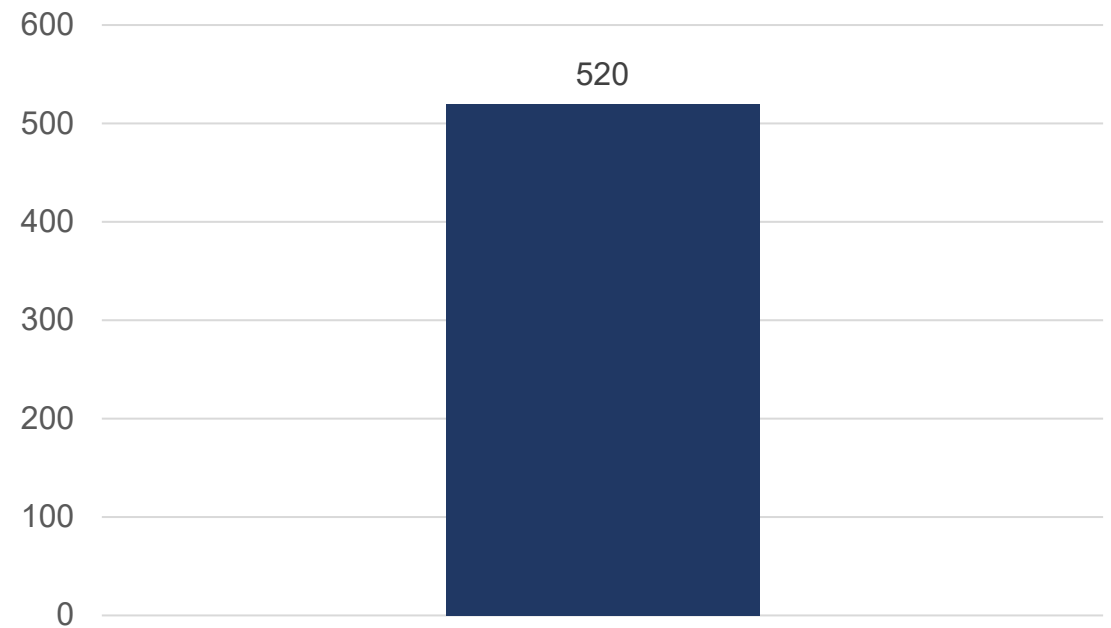


# Paid Agricultural Workers, West Lincoln



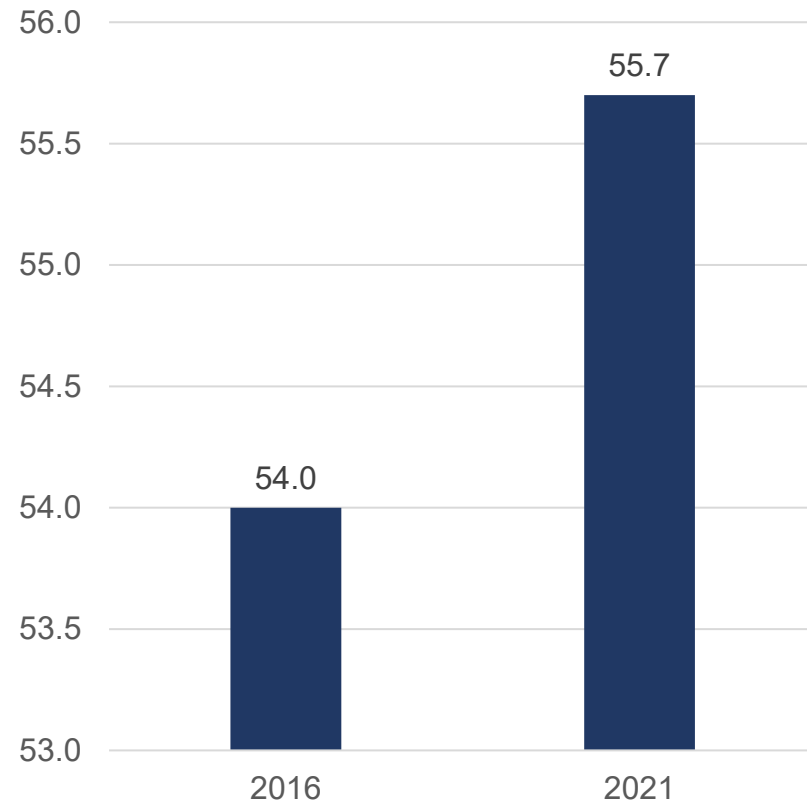


## Farm Operators, West Lincoln

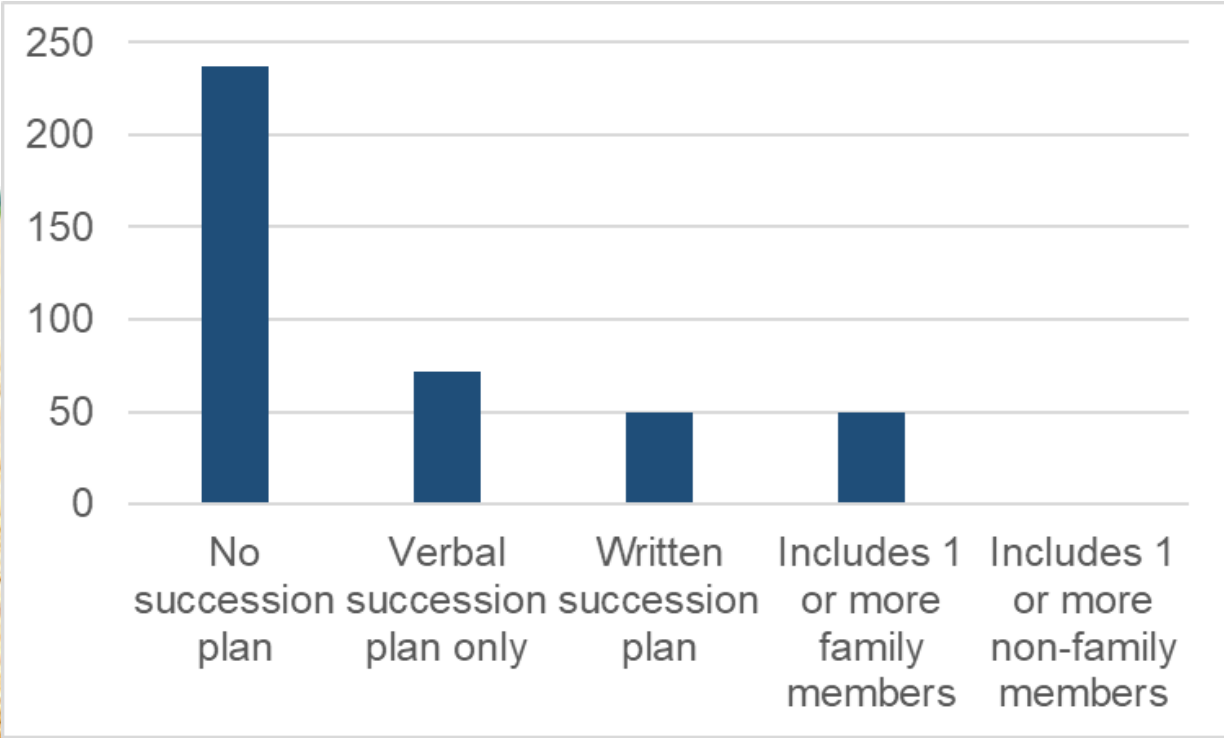




# Farm Operator Average Age, West Lincoln

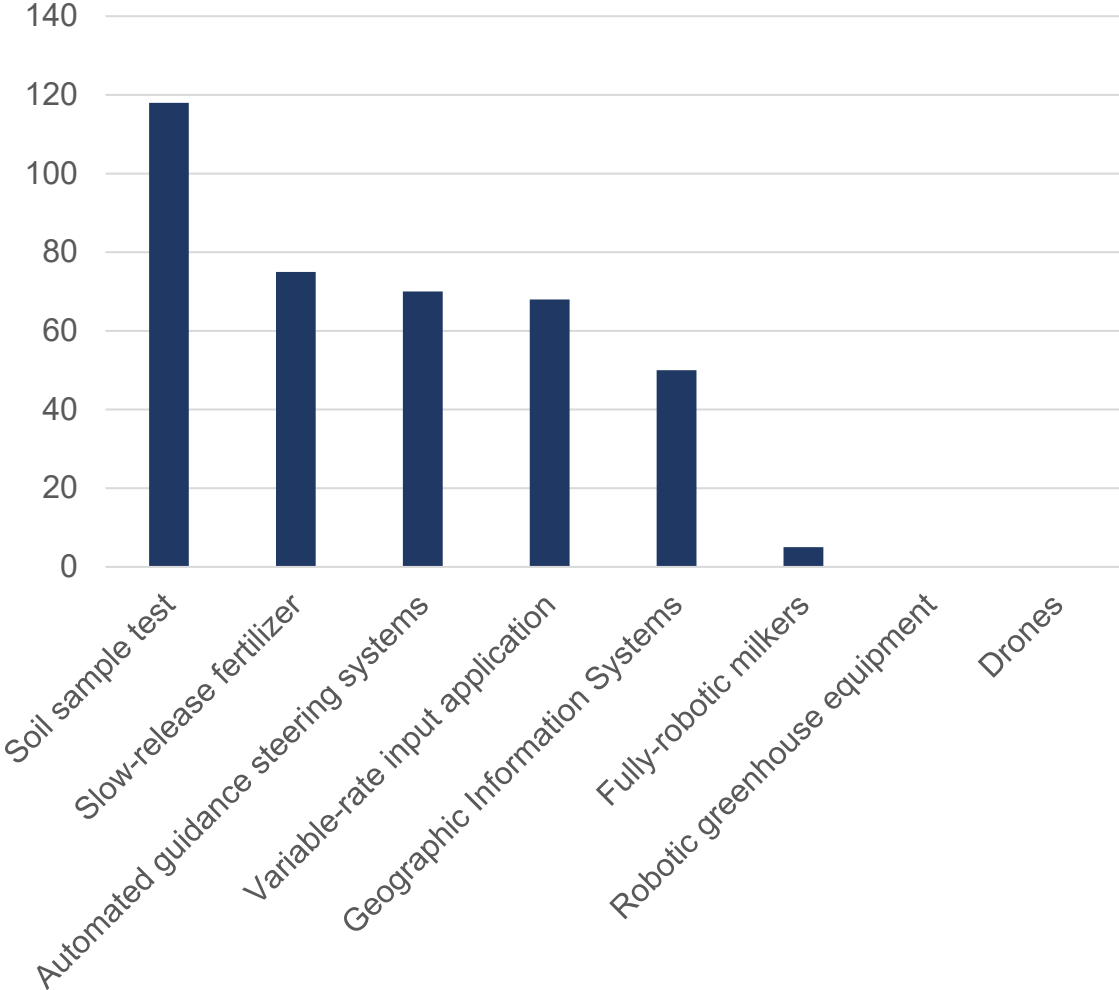


# Farm Succession Planning, West Lincoln





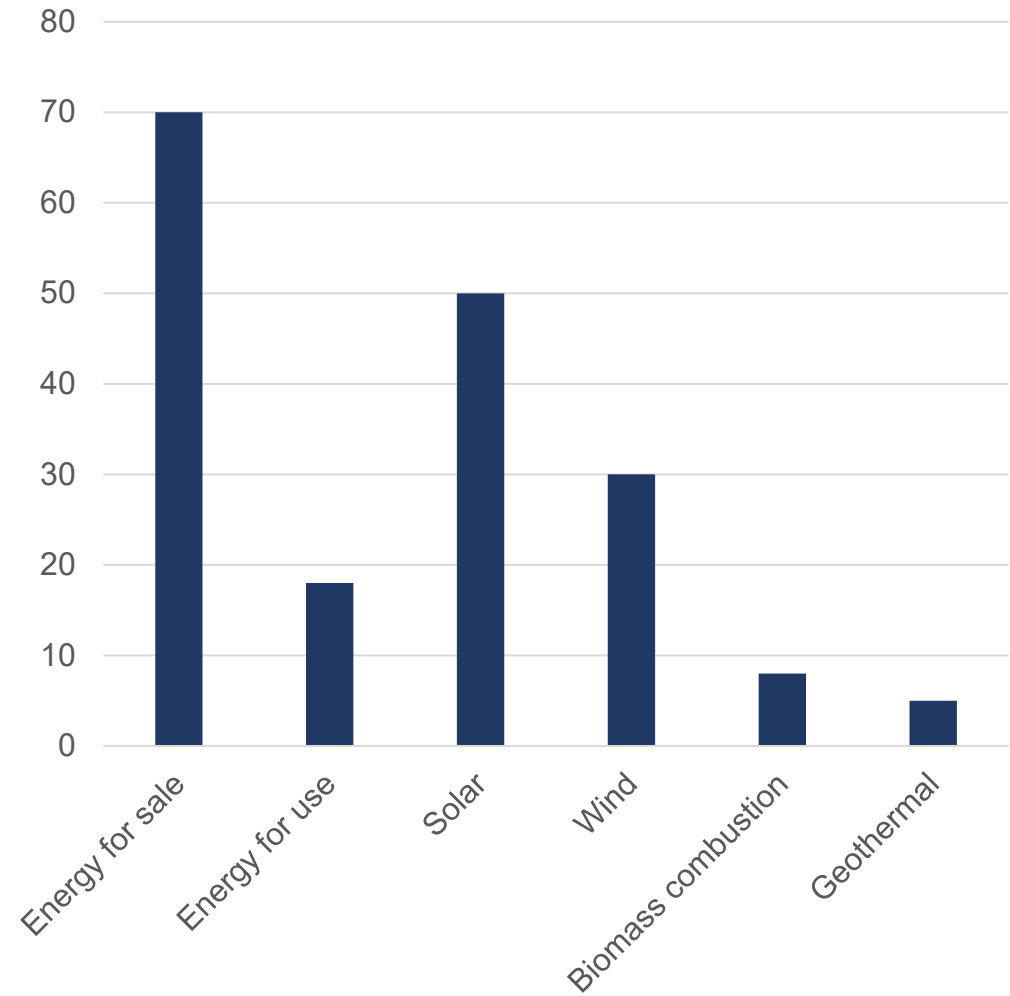
# Farm Technology Adoption, West Lincoln





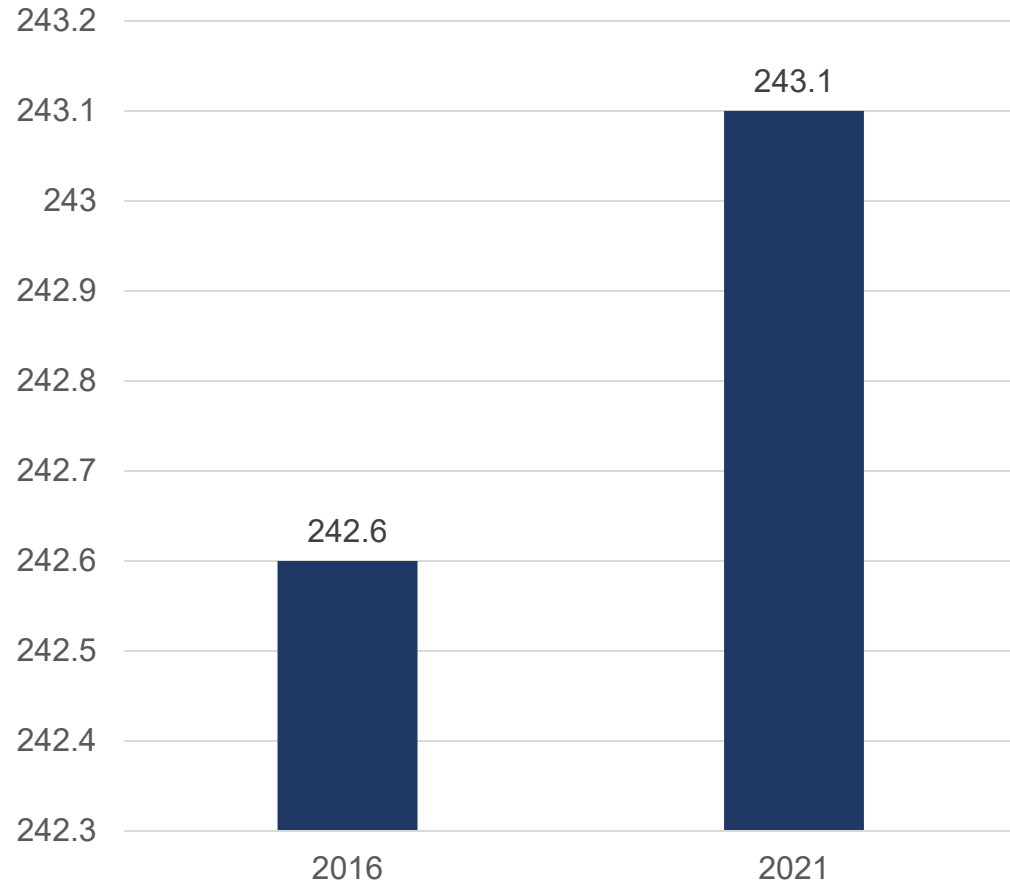


# Renewable Energy Adoption, West Lincoln

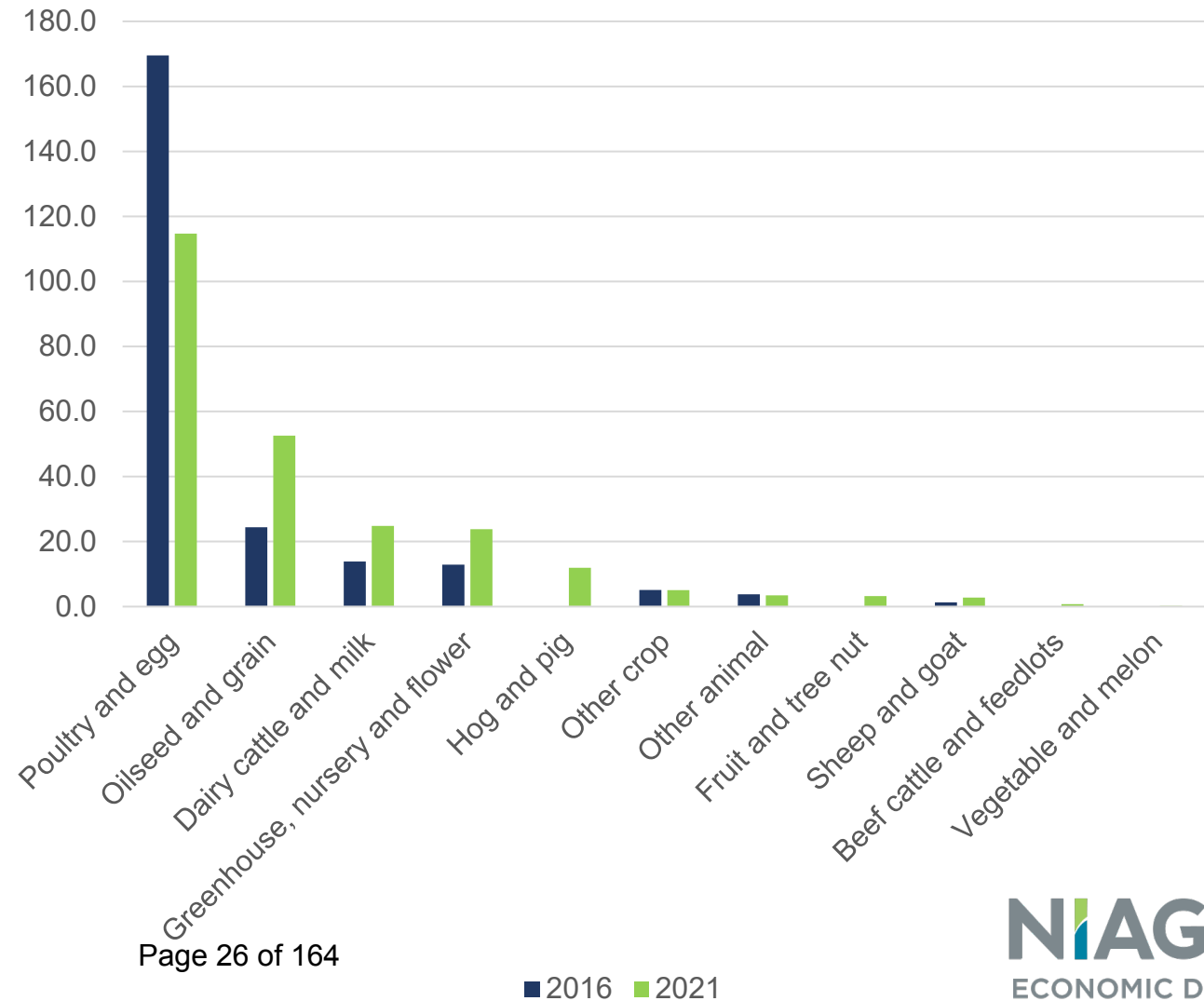




# Agriculture Gross Domestic Product Impact (\$ Millions), West Lincoln

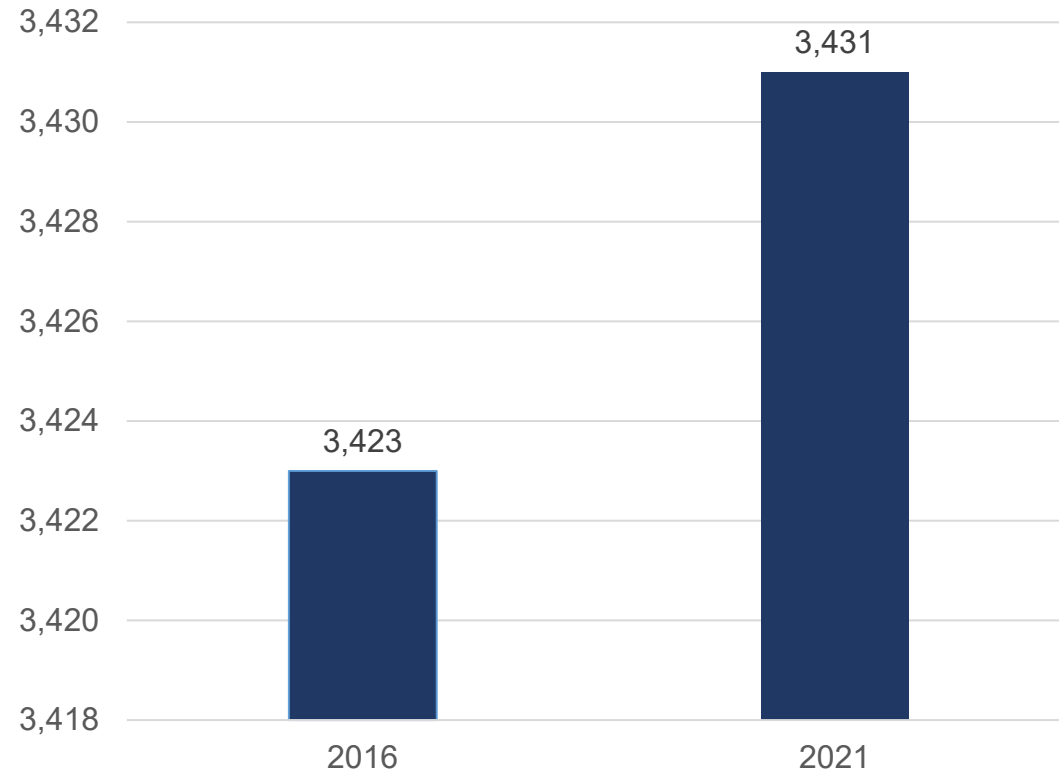


# Gross Domestic Product Impact (\$ Millions) by Farm Type, West Lincoln





# Agriculture Jobs Impact, West Lincoln



Download the full report: [niagaracanada.com/data/reports](https://niagaracanada.com/data/reports)



**DATE:** February 12, 2024

**REPORT NO:** PD-07-2024

**SUBJECT:** **Recommendation Report – Application for Temporary Use Zoning By-law Amendment for 9127 Regional Road 20 (File No. 1601-010-23)**

**CONTACT:** Susan Smyth, Senior Planner

**OVERVIEW:**

- An application for a Temporary Use By-law was submitted by Mr. Larry Pomerantz (Agent) on behalf of Mr. Giovanni Diflavio (Owner) to add a temporary use for outside storage for rain barrels/composters.
- The subject lands are legally described as Concession 8; Part Lot 34 and 35, municipally referred as 9127 Regional Road 20. The subject lands have a lot area of approximately 19.82 hectares (48.97 acres) and majority of the lands are actively farmed.
- The application is requesting to permit approximately 9,712.45 square metres (0.97 hectares/2.4 acres) approximately 5% of the total lot area for the outside storage of the rain barrels/composters situated behind the existing storage buildings fronting Regional Road 20 along the west side below the existing berm.
- The subject lands are located in the Fulton Hamlet expanded settlement area, which is subject to a future Secondary Plan process that will help identify the appropriate employment related land use designations for future growth in Fulton.
- The subject lands are zoned as Agricultural (A) and outside storage not directly related to a principle agricultural use is not permitted.
- Planning Staff has prepared the draft Request for Proposal (RFP) for the Secondary Plan process which is planned for commencement in the Summer/Fall 2024 with a processing timeframe of approximately 18 months.
- The Public Meeting was held on January 15, 2024 and several members of the public and Council members offered comments and concerns about the proposal related to drainage and flooding issues, unsightly views, height of barrels, high winds and potential for barrels to shift, potential impact on property values, site recovery and removal of barrels, fire concerns, misrepresentation of agent/applicant and the business.

- Planning Staff recommends approval of the application for a temporary use for outdoor storage of the rain barrels/composters for a period not to exceed 18 months which will align with the Township’s execution of the Secondary Plan process for the Fulton Hamlet and expansion of new land uses focused on employment and those permitted uses appropriate and compatible with the adjacent agricultural and rural residential uses.

**RECOMMENDATION:**

1. That, Recommendation Report PD-07-2024, regarding “Recommendation Report – Application for Temporary Use Zoning By-law Amendment for 9127 Regional Road 20 (File No. 1601-010-23)” dated February 12, 2024, be received; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, Planning Staff will require a Temporary Use Agreement and Site Plan that requires the Owner to work towards site clean-up over time; and
4. That, application for Temporary Zoning By-law 1601-010-23 submitted by Larry Pomerantz (Agent) on behalf of Mr. Giovanni Diflavio (Owner) and as presented in the attached bylaw for a period of 18 months; be approved.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #2 – Strategic Responsible Growth**

**Theme #3 – Enrich Strong Agricultural Legacy**

**BACKGROUND:**

The lands subject to this application are legally described as Concession 8; Part Lot 34 and 35, and municipally referred as 9127 Regional Road 20. The subject lands are located on the north side of Regional Road 20 and west of South Grimsby Road 18 in the expanded Fulton Hamlet settlement area. The subject lands have a lot area of approximately 19.619 hectares (48.668 acres) and majority of the lands are actively farmed. Refer to Schedule A for the subject lands.

The Temporary Use By-law Application is requesting to permit a portion of the lands approximately 9,712.45 square metres (0.97 hectares/2.4 acres), approximately 5% of the total lot area for outside storage of rain barrels/composters. The proposed outside storage would be situated behind the existing storage buildings fronting Regional Road 20 along the west side below the existing berm. Refer to Schedule B for the conceptual site plan and proposed location of the outdoor storage area.

The rain barrels/composters measure approximately 2 feet x 2 feet x 3 feet and weigh 20 pounds and will be stored on their side and stacked in a pyramid shape to a maximum height of 4.87 metres (16 feet). The rain barrels/composters are distributed through contracts with the City of Hamilton, City of Guelph, City of Kingston, and other municipalities in the USA, Niagara Region and around the world, as well as schools and non-profit organizations such as the Lions Club. The product is available for online purchases only and no curb-side or store access on the subject lands will be provided.

The rain barrels/composters are produced off site and transported by tractor trailers and unloaded onto small trailers and towed to the location to be stored. The average delivery of the rain barrels/composters would be two trailer loads per day five days a week during regular business hours.

The Township's Temporary use by-law authorizes the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by the Zoning By-law. Council may extend the term of the by-law, by a further by-law amendment, for a maximum additional three (3) year term. Council shall be satisfied that the proposed use is temporary, and will not create detrimental effects on the surrounding area. Upon expiry of the Temporary Use By-law, uses permitted by that By-law must cease and cannot be considered as non-conforming uses, unless addressed by the Secondary Plan and subsequent permanent zoning by-law amendment application if this use is deemed appropriate and meets the intent of the rural employment area.

### **CURRENT SITUATION:**

#### **Planning Act**

Temporary Use provisions are outlined in Section 39 of the Planning Act. This Section states that the Council of a local municipality may, in a by-law passed under Section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.

A by-law authorizing a temporary use shall define the area to which the temporary use applies and specify the period of time for which the authorization shall be in effect, which shall not exceed three (3) years from the day of the passing of the by-law by Township of West Lincoln Council. Council may approve temporary bylaws for less than three (3) years.

This application for a temporary use is not explicitly related to agricultural uses, however the section of the site that is proposed to be used for the outdoor storage is not currently actively farmed or used for agricultural uses and will be situated between the existing berms and existing buildings separate from the areas being farmed. Planning Staff however consider the three (3) year timeframe to be excessive and has considered a reduced timeframe of 18 months or until such time as the Secondary Plan for Fulton is completed to determine the appropriate employment uses geared to the rural nature of which may include outdoor storage uses.

#### **Provincial Policy Statement 2020**

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

Section 1.1 provides the policy framework for the management and efficient development and land use patterns to avoid environmental and public health and safety concerns, and avoid development that prevents the efficient expansion of settlement



areas or lands surrounding settlement areas.

Section 1.1.3 states that settlement areas are the focus of growth and economic prosperity. In this circumstance, the proposed temporary use will be an opportunity for a business to locate in Fulton on lands that are large enough to accommodate outside storage as well as to continue with current farming and agricultural uses.

The temporary use and operations of the outdoor storage of the rain barrels/composters will assist the Township to determine whether this business fits in the land use growth for rural employment geared for localized service commercial and light industrial uses as part of the Secondary Plan process and whether it can offer vitality to the immediate area.

Section 1.3 of the PPS provides policies related to employment and authorities shall promote economic development by providing for an appropriate mix and range of employment to meet long-term needs; providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; and facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment.

The Township is required to complete the Secondary Plan for Fulton to meet the intent of the PPS goals and objectives to secure employment uses and make land available for future investment.

Planning Staff considers the application to be consistent with the Provincial Policy Statement (PPS) with respect to the temporary nature of the application.

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

The Place to Grow – Growth Plan for the Greater Golden Horseshoe (Growth Plan) builds on the PPS that supports the achievement of complete communities, a thriving economy, a clean and healthy environment and social equality. The Growth Plan guides how and where to grow communities, how to support growth while protecting what is valuable, such as the agricultural lands.

Section 2.2.1 provides policies that focus on where to grow and how to manage growth and settlement areas are to provide the opportunities for development.

Section 2.2.5 provides policies related to employment and municipalities should designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities. Furthermore, municipalities, will designate all employment areas in official plans and protect them for appropriate employment uses over the long-term.

Consequently, the need to complete the Secondary Plan is necessary to be consistent with the policies geared to protect areas for employment opportunities.

Planning Staff considers the temporary use is providing some employment opportunities while continuing to protect the active agricultural use on the subject lands until the Secondary Plan process is completed. This will lend time for the Township to complete the Secondary Plan and determine the optimal long term land use for the area including the subject lands that will meet the growing needs of the Township, particularly for rural employment. For these reasons, Planning Staff considers the application to be consistent with the Growth Plan.

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

The Niagara Official Plan (NOP) provides a framework for growth and development within the Niagara Region. The NOP regulations are consistent with Provincial policies; including the PPS and Growth Plan as noted above.

Section 2 speaks to the growing Region and opportunities for growth that ensures amenities to serve the needs of the rural residents and area businesses are adequate and without compromise to the character of the area.

Section 4.1 provides the main objectives to facilitate a strong, diverse, and resilient agricultural economy and to protect the region's agricultural land base, ensuring agricultural sustainability for present and future generations. Planning Staff consider the location and size of the outdoor storage area to be acceptable and appropriate for the intended use while avoiding direct impacts to the agricultural operations and adjacent agricultural uses. This temporary use is within the expanded settlement area of Fulton and requires no water or sanitary services and will be buffered by the existing earth berm which will offer screening to the adjacent properties. The Agent/Applicant has agreed to plant trees on the east side of the existing buildings to provide additional buffering to the property located east of the parcel to mitigate any visual impacts.

Section 4.2 provides policies related to economic growth and opportunities for different employment growth should be considered in settlement areas. The proposal is limited in scale while intending to provide some employment to the local area with approximately four employees for loading and unloading the rain barrels/composters into position. The subject lands are designated as rural settlement area with a special policy requiring the designation of employment uses and the Region will be involved in the Secondary Plan process to assist in the evaluation of appropriate land uses geared for employment.

Planning Staff considers the application to conform to the Regional Official Plan for the protection of surrounding agricultural uses and diversification of employment in the settlement area of Fulton.

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

As per the Official Plan Amendment 62, the subject lands are designated as Hamlet Settlement Area and the Township is required to complete the Secondary Plan to bring the

Plan into conformity with the Regional Official Plan.

The location of the outside storage is not in the vicinity of the natural heritage features and therefore should cast no impacts to any of the environmental features.

Planning Staff considers the application for the temporary use to meet the general intent of the Township's Official Plan.

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

The Township's Zoning By-law 2017-70, as amended zones the subject lands as 'Agricultural – A Zone' and 'Environmental Protection – EP' Zone. Outside storage is considered as an accessory use and permitted in the 'A' Zone as long as it is in conjunction with the permitted principal use being agricultural, however, the proposed temporary use is not directly related to agriculture. The location of the outside storage area is not within the limits of the 'EP' Zone and therefore there are no concerns and adheres to those regulations.

As a result of the Secondary Plan process, the Township will also propose to re-zone the lands to bring the zoning into conformity with the final Secondary Plan and Official Plan policies.

Planning Staff has assessed the proposal against the regulations for accessory structures in the 'A' Zone and the outside storage area to contain the rain barrels/composters will be approximately 9,712.45 square metres (0.97 hectares/2.4 acres) or 5% of the total lot area. Although there is no actual structure or building being proposed, Planning Staff recommend a site specific provision to set the maximum area permitted for the outside storage to 9,712.45 square metres (0.97 hectares/2.4 acres). Refer to Schedule C for the draft Temporary Use By-law.

The rain barrels/composters each measured approximately 2 feet x 2 feet x 3 feet and weigh 20 pounds and will be stored on their side and stacked in a pyramid shape to a maximum height of 4.87 metres (16 feet). The zoning regulations permit the maximum height of buildings and structures not to exceed 10 metres (32.8 feet), therefore Planning Staff are not concerned with the height of the stacked barrels.

Planning Staff considers the application for the temporary use not offensive and does not negatively deviate from the current (Section 5.2) A zoning regulations especially since the A zone will transition into an employment zone or development zone following the Secondary Plan process.

**FINANCIAL IMPLICATIONS:**

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



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

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

The fee paid in 2023 for a Temporary Use By-law was \$3,640.00. If not approved within 90 days, the Township would be required to refund the applicant 50% (\$1,820.00) between 91 – 129 days and 75% (\$2,730.00) between 151 – 209 days, and 100% of the fee after 210 days.

Planning Staff consider that this application for a Temporary Use By-law does not create negative adverse impacts to the surrounding agricultural and environmental uses and approval of this application can be granted within the 90-day timeframe and no refund to the applicant should be required.

For further consideration, Planning Staff will be undertaking the 5-year Official Plan Review as well as the Secondary Plan for the Fulton Hamlet settlement area geared towards employment lands. This application for a Temporary Use is utilizing time until these processes are completed at which time a more definitive land use and zoning regulations will be contemplated and this Temporary Use will be reassessed to confirm its appropriateness.

**INTER-DEPARTMENTAL AND PUBLIC COMMENTS:**

A Public Meeting was held on Monday January 15, 2024 and there were eight participants/members of the public who provided comments and raised concerns on the proposal. The following table summarizes the comments and the responses from the various staff.

<b>Comments</b>	<b>Staff Responses</b>
Two municipal drains (Fortino and Fulton) are not working properly and there is a liability issue with water flowing south and potentially contaminated.	Drainage concerns have been recorded and the Township Staff will be conducting the Secondary Plan for the Fulton Hamlet which is geared to employment lands. The proposal for consultants to complete the Secondary Plan will be released in Q2 2024 and the process is targeted to commence in Q3 2024 at the latest.
Since the berms have been established there has been drainage issues and flooding in basements in the past several years.	Included in the Secondary Plan process is the examination of the watershed and potential impacts to the municipal drain.
The culvert is clogged and the grading has diverted water to travel in the opposite direction and create significant flooding in the ditches and impacts to farmland productivity.	Township Staff can conduct site visits to confirm the status of the culverts and ditches that are blocked and contributing to the flooding and provide the information in the Secondary Plan process.
Can the Township look into clearing out the ditches and culverts prior to the Secondary Plan process to help with the drainage issues?	Staff note that municipal drain improvements requires a petition from the affected landowners.
Concerns that the barrels are flammable and should be in a closed facility/building.	<p>The rain barrels/composters are made from re-purposed food grade plastic and contain no toxic or poisonous materials.</p> <p>Outdoor storage of general combustible materials is not specifically addressed in the Fire Code, but storage of combustible materials indoors is addressed. Therefore, storing the barrels indoor would have Fire Code implications.</p> <p>The Township Fire Department does not have reservations about the outdoor storage of these materials as long as fire lanes and clear entry/egress points are provided for firefighting purposes.</p>
Is the applicant/agent the owner of the site?	Mr. Larry Pomerantz is the tenant/leaser of the subject lands with intention to purchase the lands depending on the outcome of the Secondary Plan process and land use designation for employment lands.

Comments	Staff Responses
<p>The stacked pyramid of the barrels will be unsightly and concerned that they will be scattered like how the current site, on Twenty Road is operating. The 16 feet high stacked barrels will be unattractive to the area.</p>	<p>The zoning regulations for accessory structures in the Agricultural Zone can be as high as 10 metres or 32.80 feet. The proposed maximum height of the barrels is 4.8 metres or 16 feet high and nestled in between the existing earth berm behind the barn offering some screening from the view to the street and neighbours.</p> <p>The Applicant has agreed to plant some trees to buffer the adjacent properties along the east side of the subject lands to screen the view of the rain barrels/composters.</p>
<p>If the business was not to be successful, who is responsible to remove the barrels.</p>	<p>Mr. Larry Pomerantz confirmed the intent is to conduct the business for a long term and this site is the ideal location for the business and if it was not to be successful then he would be responsible to remove the product to an alternative location. Staff recommend that through the temporary use agreement a security deposit be required to ensure that the barrels are removed upon expiry of a temporary use bylaw if the Secondary Plan does not permit the use.</p>
<p>Temporary Use By-law Agreement</p>	<p>Staff will require the Agent/Applicant to enter into a Temporary Use Agreement for 18 months while the Secondary Plan process is completed.</p>

The Niagara Peninsula Conservation Authority (NPCA) offered no comments, however, the proposed storage area is not currently regulated by the NPCA.

The Region of Niagara Staff offers no objection to the proposed Temporary Use and is satisfied that the proposal would not be contrary to Provincial and Regional policies for forecasted rural employment growth.

Refer to Schedule D for the agency comments.

**CONCLUSION:**

An application for Temporary Use By-law for outdoor storage for the rain barrels/composters has been submitted by the agent Mr. Larry Pomerantz for the subject lands located at 9127 Regional Road 20.

The application has been reviewed in accordance with the Planning Act, and against Provincial, Regional and Township Policy, and the application has been deemed to meet




the policies for the long term protection and maintenance of agricultural land uses. As such, Planning Staff recommend the approval of the Temporary Use Zoning By-law with the site specific provision with the outdoor storage for rain barrels/composters not to exceed 9,712.45 square metres (0.97 hectares/2.4 acres).

The Temporary Use By-law would be subject to the Agent and Owner entering into a Temporary Use Agreement with the Township for a period of 18 months and for a security amount to be deposited to ensure that the use ceases especially if the Secondary Plan does not consider this use appropriate. This security amount would be used to remove the barrels and reinstate the site, if required.

**SCHEDULES:**

- A. Location Map
- B. Conceptual Site Plan
- C. Draft Temporary Use By-law
- D. Agency Comments

**Prepared by:**



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**Susan Smyth, CPT  
Senior Planner**

**Approved by:**



---

**Gerrit Boerema, MCIP, RPP  
Manager of Planning and Building**



---

**Brian Treble, MCIP, RPP  
Director of Planning and Building**



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**Donna DeFilippis, CPA, CA  
Interim CAO**



SCHEDULE A - PD-07-2024  
LOCATION MAP



**Legend**

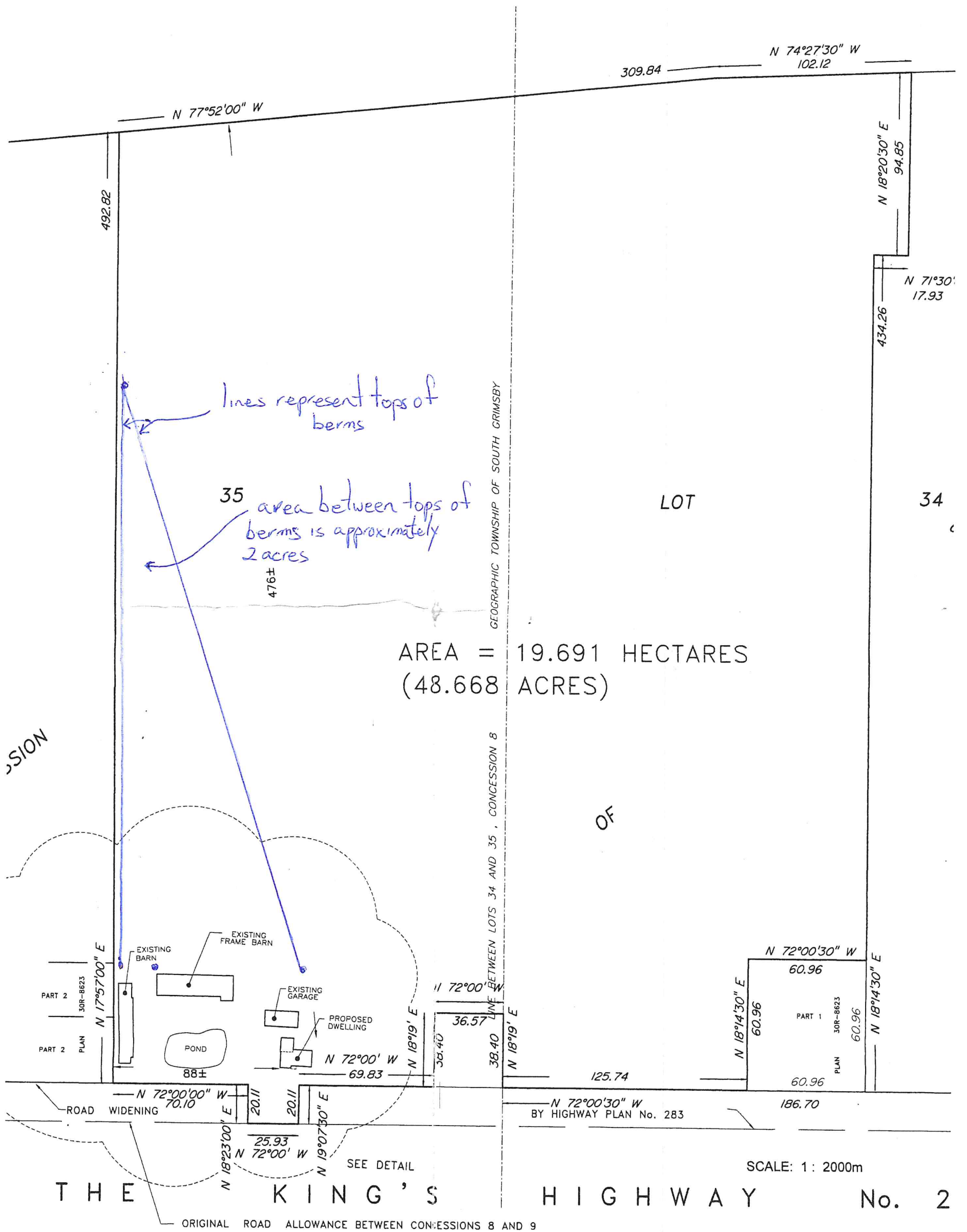
	Zone Boundary
	Subject Property

**Location Map**  
9127-9129 Regional Road 20  
0 125 250 500 Meters

**West Lincoln**  
Your Future Naturally

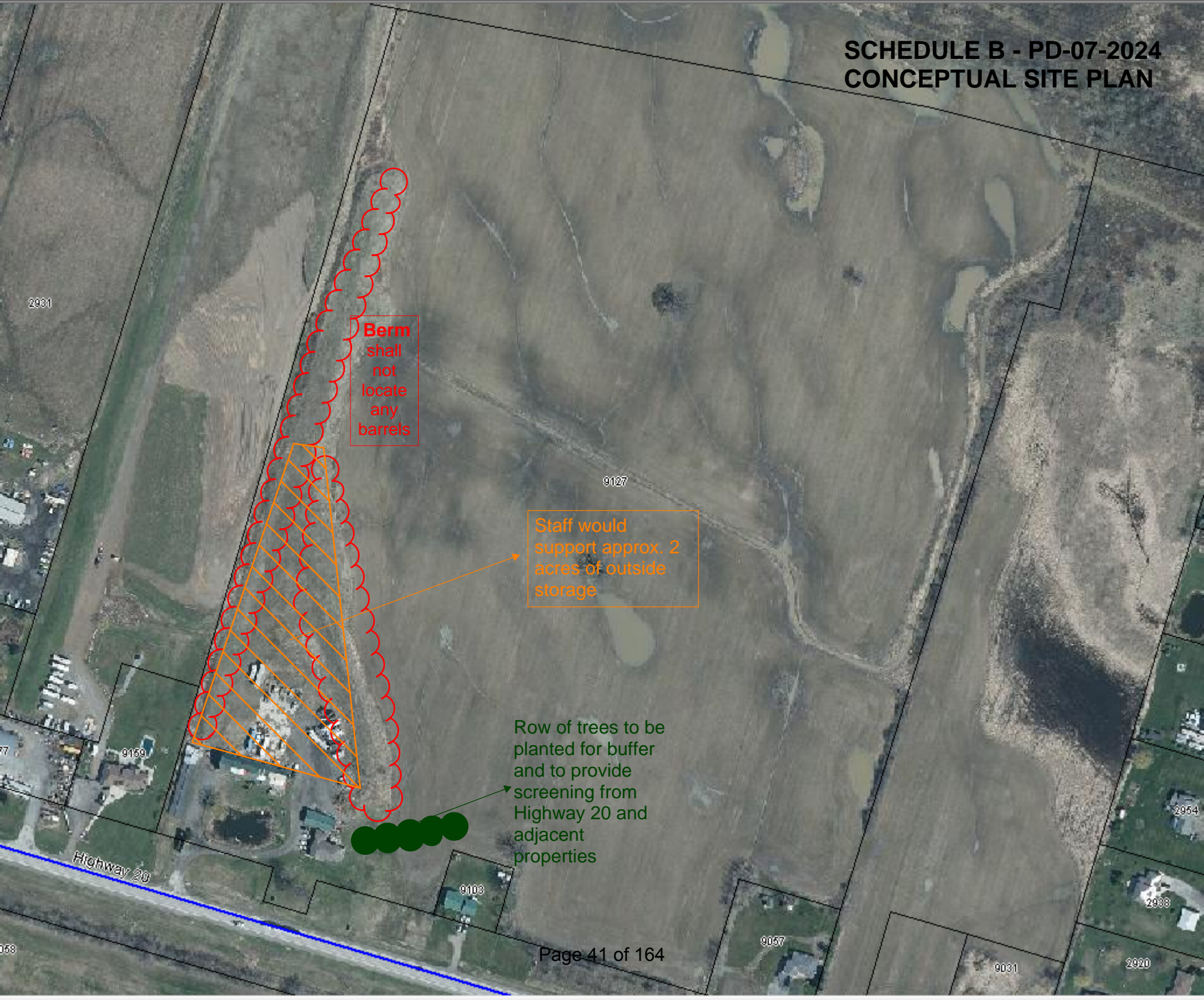


**SCHEDULE B - PD-07-2024  
CONCEPTUAL SITE PLAN**





**SCHEDULE B - PD-07-2024  
CONCEPTUAL SITE PLAN**



**Berm**  
shall  
not  
locate  
any  
barrels

Staff would  
support approx. 2  
acres of outside  
storage

Row of trees to be  
planted for buffer  
and to provide  
screening from  
Highway 20 and  
adjacent  
properties

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

**BY-LAW NO. 2024 – 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 AND 39 OF THE PLANNING ACT, 1990;**

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

1. THAT Schedule 'A' Map 'A2' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 8, Part Lot 34 and 35, municipally known as 9127 Regional Road 20, shown on Schedule 'A', attached hereto and forming part of this by-law.
2. THAT Schedule 'A' Map 'A2' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands as shown on Schedule 'A' of this By-law from Agricultural Zone A-Zone to a site specific Agricultural zone with a temporary use number A(T-13).
3. THAT for the purpose of this By-law a temporary outdoor storage area for rain barrels/composters not to exceed 9,712.45 square metres (0.97 hectares/2.4 acres) for a period not to extend 18 months.
4. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.3:

Temporary Use Provision	Map #	Parents Zone(s)	Property Description	Permitted Temporary Use	Regulations	Start Date	Expiry Date
T-13	A2	A	Concession 8, Part Lot 34 and 35	<i>Outdoor storage for rain barrels/ composters for 18 months</i>	As per the parent zone, subject to a Temporary Use Agreement	February 26, 2024	August 26, 2025

5. THAT all other provisions of By-law 2017-70, as amended continue to apply.
6. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

\_\_\_\_\_  
**MAYOR CHERYL GANANN**

\_\_\_\_\_  
**NANCY FIORENTINO, INTERIM CLERK**

## **EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-XX**

### **Location:**

This By-law involves a parcel of land legally known Concession 8; Part Lot 34 and 35, municipally known as 9127 Regional Road 20, Township of West Lincoln, Regional Municipality of Niagara.

### **Purpose & Effect:**

Temporary Use By-law for outdoor storage for the rain barrels/composters with the site specific provision for the outdoor storage area for rain barrels/composters not to exceed 9,712.45 square metres (0.97 hectares/2.4 acres) for a period not to extend beyond 18 months.

### **Public Consultation:**

The Public Meeting was held on January 15, 2024. All written and oral comments will be considered in the making of the decision by Council. Agency comments regarding this application has been included in the temporary use by-law.

File: 1601-010-23

Applicant: Larry Pomerantz (Agent) and Giovanni Diflavio (Owner)

DRAFT



## Growth Strategy and Economic Development

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

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### Via Email

January 5, 2024

Region File: D.18.12.ZA-23-0125

Susan Smyth  
Senior Planner  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Ms. Pouliot

**Re: Regional and Provincial Comments  
Proposed Temporary-Use By-law  
Township File: 1601-010-23  
Owner: Larry Pomerantz  
9127 Regional Road 20  
Township of West Lincoln**

---

Staff of the Growth Strategy and Economic Development Department has reviewed the materials that were provided with the circulation of the above noted Temporary Use By-law Amendment (“ZBA”) application for the property municipally known as 9127 Regional Road 20 in the Township of West Lincoln (“subject lands”).

The ZBA application proposes to permit a portion (2%) of the total lot area for outdoor storage of rain barrels / composters which is to be situated behind the existing storage buildings fronting Regional Road 20.

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

### Provincial and Regional Policies

The subject lands are within a ‘Rural Area’ under the *Provincial Policy Statement, 2020* (“PPS”), which includes rural settlement areas that shall be the focus of growth and development in rural areas, and are within a rural settlement under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”). The subject lands are located within the Fulton Rural Settlement on Schedule B – Regional Structure of the *Niagara Official Plan, 2022* (“NOP”).

January 5, 2024

The NOP outlines that identified rural settlements shall be the focus of development outside of urban area boundaries. Development within rural settlements are to be planned to ensure there is adequate amenities to serve the needs of area businesses, rural residents and the surrounding agricultural community; additionally, a portion of rural employment is to be planned within rural settlements to support the surrounding agricultural community.

Outlined in the NOP, rural settlements are to be serviced by sustainable private water and wastewater treatment systems in accordance with policies in the NOP.

In addition, site-specific policy 8.13.4 of the NOP states that the area within which the subject property is situated in has been added to the Fulton rural settlement to accommodate forecasted rural employment growth. Further, the policy requires that this area be designated in the Township of West Lincoln's Official Plan for rural employment uses.

Subject to the Township's satisfaction that the proposed temporary use would not negatively impact the ability of the lands to meet rural employment growth forecasts, Regional staff is satisfied that the proposed Temporary Use By-law application would not be contrary to the applicable Provincial and Regional policies. As such, Regional staff offers no objection to the proposal subject to the comments below.

### **Archaeological Resources**

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

According to Schedule K of the NOP, the subject land is located within the mapped 'Area of Archaeological Potential'. Regional staff note that there is no new site alteration / development proposed that would be considered significant disturbance. In accordance with the NOP, any future *Planning Act* applications within the area of archaeological potential may require an archaeological assessment.

### **Natural Environment System**

The subject property is impacted by the Region's Natural Environment System (NES), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland (PSW) Complex and Other Wetlands. An Environmental Impact Study (EIS) is typically required when development and / or site alteration is proposed within 120 metres of these NES features.

January 5, 2024

However, as the proposed temporary outdoor storage is located more than 120 metres of the PSW and other wetlands, and adjacent to existing storage buildings, staff has no requirements for the application from an environmental perspective.

## **WASTE COLLECTION**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Recycling: Maximum 8 Blue/Grey Carts Collected Weekly;
- Organics: Maximum 8 Green Carts Collected Weekly;
- Garbage: 8 Garbage Bags/Cans Collected Every-Other-Week.
- **Curbside Collection Only.**
- **Collection to remain as existing.**

## **REGIONAL ROAD**

Regional staff note for information and future reference that Highway 20 (RR 20) has a designated road allowance width of 35.0 metres in Schedule M of the NOP. The illustration attached to these comments shows an approximate road widening of 4.07 metres for a small section of this property, which would be required through any future development application. Staff note, however, that as the existing road allowance width across the majority of the property exceeds the designated road width, it is recommended that the "Suggested Widening" of 20.1 metres as illustrated be dedicated in the future to maintain a consistent ROW width in this location.

## **PROTECTION OF SURVEY EVIDENCE**

Staff would like to advise the applicant that survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

## **Conclusion**

Staff of the Growth Strategy and Economic Development Department does not object to the proposal and is satisfied that the proposal would not be contrary to Provincial and Regional policies subject to the Township's satisfaction that forecasted rural employment growth will still be accommodated.

Please contact the undersigned at [Connor.Wilson@niagararegion.ca](mailto:Connor.Wilson@niagararegion.ca) or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca) should you have



D.18.12.ZA-23-0125

*January 5, 2024*

any questions related to the above comments. Please send the Notices of Decision on this Application when available.

Best Regards,



Connor Wilson  
Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Steven Bureau, Development Approvals Technician, Niagara Region

## Susan Smyth

---

**From:** Jennifer Bernard  
**Sent:** January 10, 2024 12:51 PM  
**To:** Susan Smyth  
**Subject:** RE: NOTICE OF PUBLIC MEETING for January 15, 2024

Hi Susan, I did review this application for a Temporary Use By-law for 9127 RR20 and have no comments to provide, sorry I didn't let you know in December.

Jenn

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

**Jennifer Bernard, C.E.T.**

**West Lincoln**  
Respecting our Roots - Realizing our Future

**Coordinator, Engineering Services**  
Tel: 905-957-3346 ext 6732  
Email: [jbernard@westlincoln.ca](mailto:jbernard@westlincoln.ca)  
Web: [www.westlincoln.ca](http://www.westlincoln.ca)



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**From:** Susan Smyth <ssmyth@westlincoln.ca>  
**Sent:** January 10, 2024 11:47 AM  
**To:** Jennifer Bernard <jbernard@westlincoln.ca>  
**Subject:** FW: NOTICE OF PUBLIC MEETING for January 15, 2024

Hi Jennifer,

I just wanted to know if you have any formal comments on this application. I have been searching my emails and cannot seem to find anything.

Thanks,  
Susan

***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.***

## Susan Smyth

---

**From:** Tim Hofsink  
**Sent:** January 10, 2024 11:35 AM  
**To:** Susan Smyth  
**Subject:** RE: NOTICE OF PUBLIC MEETING for January 15, 2024

Hi Susan,

I must have missed the original message on this. The only comments that I would have would be that in light of the height of the piles, it will be important that lanes are provided for firefighting access. I don't have any information on the flammability of the items, but they are plastic. I would request that fire lanes of the appropriate size are provided in the lands in question to ensure that fire apparatus will have access to all parts of the property.

Kind regards,  
Tim

***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.***

	<p><b>Tim Hofsink</b></p> <p><b>Deputy Fire Chief</b></p> <p>Tel: 905-957-3346 ext.6733 Email: <a href="mailto:thofsink@westlincoln.ca">thofsink@westlincoln.ca</a> Web: <a href="http://www.westlincoln.ca">www.westlincoln.ca</a></p> <p>   </p>
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**From:** Susan Smyth  
**Sent:** January 10, 2024 11:25 AM  
**To:** Tim Hofsink <[thofsink@westlincoln.ca](mailto:thofsink@westlincoln.ca)>  
**Subject:** FW: NOTICE OF PUBLIC MEETING for January 15, 2024

Hi Tim,

I am preparing the report for this application and I did not receive any comments from the fire department, would there be any concern for outdoor storage of the rain barrels/composters.

Thank you,  
Susan



**DATE:** February 12, 2024

**REPORT NO:** PD-09-2024

**SUBJECT:** **Information report – Site Plan and Development Agreement Approval Update**

**CONTACT:** Gerrit Boerema, Manager of Planning

**OVERVIEW:**

- In September of 2022 Township Council delegated site plan approval and the signing of site plan and development agreements to the Director of Planning and Building as required by the Province through Bill 109.
- Planning Staff are providing a report on the site plans and development agreements that have been received and approved since the last report in May of 2023 – [PD-23-2023](#).
- Since the last update report, eight site plans and development agreement applications have been received and three site plan and development agreements have been approved.

**RECOMMENDATION:**

That, Information report, PD-09-2024, regarding “Site Plan and Development Agreement Approval Update,” dated February 12, 2024, be received for information purposes.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #**

- **Champion - Strategic Responsible Growth**

**BACKGROUND:**

In early 2022 the Province approved Bill 109, the More Homes for Everyone Act, and 2022 which made significant changes to the Planning Act and Planning Approvals process. One of the requirements of the bill was to require municipalities to delegate site plan approval to staff and impose tighter timelines on site plan approval or pay refunds for planning fees to applicants. In that same year, Council delegated site plan and development agreement approval authority, including the authority to enter into agreements, to the Director of

Planning and Building. As part of that delegation, there was a commitment to provide regular updates to Council on the status of site plan and development agreement applications and approvals.

The last report, [PD-23-2023](#), was provided to Council in May of 2023. A number of the site plans and development agreements from that report have been completed while a number remain outstanding for various reasons mostly relating to delays on the applicants side.

**CURRENT SITUATION:**

Since the last report was provided, three site plans and development agreements have been approved. The Township is in compliance with Bill 109 on the remainder of the applications as many have been submitted before the July 1<sup>st</sup> 2023 implementation. The table below shows applications from 2021 to current day, including site plans that were submitted prior to delegation.

**Green** – Approved and Agreement Signed

**Yellow** – Approved but agreement not signed and/or securities not collected

**Red** – within approvals process

File Name & Number	Location	Description	Complete Application Date
Domaine Queulus 2100-014-21	3651 Sixteen Road	Addition to Winery. Applicant not proceeding at this time. Site plan file to be closed.	August 31, 2021
Dehaan Homes – Crossings on the Twenty North 2100-016-21	St. Catharines Street	Originally site plan for 10 condominium units, now development agreement under the new Bill 23	October 2021
Bristol Motors 2100-019-21	7484 RR 20	Amendment to site plan for fencing and other site works. Waiting on road allowance work.	December 2021
Carlton 2100-022-21	6696 Canborough Road	Yurt/On-Farm Diversification Use	March 2021 APPROVED: October 17 2023
Big Country Raw 2100-005-22	6159 Spring Creek Road	Site Plan for building addition including cold storage	Revised/Updated submission January 2024
2373744 Ontario Inc. 2100-008-22	9006 RR 20	New Gas Station (Third round of site plan review)	September 2022
Global West Realty 2100-009-22	2173 RR 20	New Gas Station (Minor Variance under appeal)	September 2022
194733 Ontario Ltd. 2100-001-23	2941 Industrial Park Road	New industrial building for concrete distribution.	March 2023 APPROVED SEPTEMBER 5

			2023 (UNDER CONSTRUCTION)
LeBlanc 2100-002-23	218 St. Catharines Street	New Auto Shop Building	April 2023
House of Dwyer Company LTD 2100-003-23	6209 Skyway Road	New concrete mixing plant	October 2023 APPROVE: December 20 2023 (not yet constructed)
DSBN – Gainsborough Public School 2100-004-23	5459 Regional Road 20	New gymnasium addition	January 2024
VanRyn 2100-005-23	8248 Concession 3 Rd	Expansion to salvage yard/storage use	December 2023
2728210 Ontario Inc. 2100-006-23	5144 Canborough Road	New commercial building	December 2023
Avertex 2100-007-23	2749 Thompson Road	Industrial Building Addition	December 2023
Galaxy Pallets 2100-001-24	124 Erie Street	Industrial Building Addition	January 2024
CA Real Estate Holdings 2100-002-24	197 Griffin Street	Commercial/Residential renovation and addition	January 2024
McFeeters 2100-003-24	2824 S.Grimsby Road 21	Updates to site plan and buffers	February 2024

In most cases where the site plan is still within the approvals process, there have been delays on the applicant side of the process or issues with the site plan that still need to be revised and resubmitted to staff for review. Township staff are currently in compliance with Bill 109 timelines.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report; however, as a result of Bill 109, which was given Royal Assent in 2022, site plan applications not approved within the required timeline, submitted after July 1<sup>st</sup>, 2023, will require the municipality to provide a refund of a portion or all of the application fee.

Site plans are required to be approved within 60 days for no refund. Approval between 61-89 days a 50% refund is required, between 90-119 days a 75% refund, and over 120 days a full refund.

Staff are working to ensure that applications for site plan approval are complete and accurate when submitted to ensure that the required timelines are being met.

It is also important to note that development charges, where applicable, are frozen for a



period of 2 years following site plan or zoning bylaw amendment approval. This was implemented through Bill 108 and changes to the Development Charges Act. If a building permit is not applied for within two years following site plan or zoning approval, the most current development charges are applied.

For the three applications that have been approved, highlighted in green in the table above, Development Charges will have been frozen for a period of two years from the date of approval. One development on Industrial Park Road has obtained building permits within the same year as site plan approval and therefore there are no impacts to development charges, however, the other two applications received will be permitted to pay 2023 Development Charge rates if construction occurs within 2 years of site plan approval.

**CONCLUSION:**

Since the site plan report in May of 2023, three site plans have been approved while seven additional applications have been received. Site plans for the approved applications are attached to this report.

**ATTACHMENTS:**

1. Carlton Site Plan – 6696 Canborough Road
2. 194733 Ontario Inc. – 2941 Industrial Park Road
3. House of Dwyer Company Ltd. – 6209 Skyway Road

**Prepared & Submitted by:**

**Approved by:**



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**Gerrit Boerema, MCIP, RPP**  
**Manager of Planning**



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

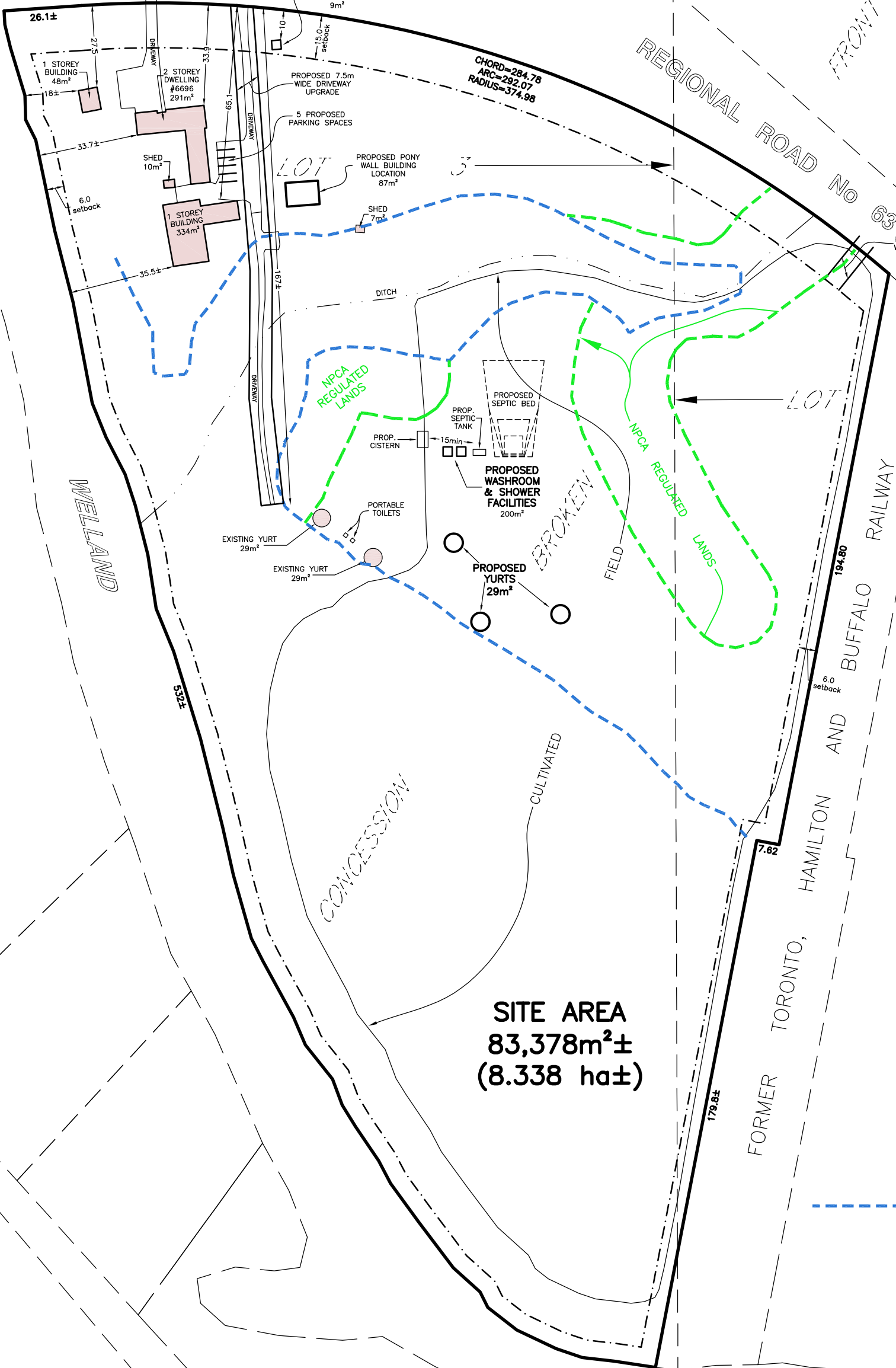


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**Donna DeFilippis**  
**Interim CAO**

CANBOROUGH ROAD

REGIONAL ROAD No 63



**SITE AREA**  
**83,378m<sup>2</sup>±**  
**(8.338 ha±)**

--- DENOTES FLOODPLAIN LIMIT



# SKETCH

SHOWING PROPOSED FEATURES

PART OF LOTS 3 AND 4  
CONCESSION BROKEN FRONT  
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH  
IN THE

**TOWNSHIP OF WEST LINCOLN**  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 1500 (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY.  
DO NOT SCALE FROM THIS DRAWING.  
ALL MEASUREMENTS ARE +/- MEASUREMENT

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

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JUNE 29, 2022  
DATE

*Donald G. Chambers*  
DONALD G. CHAMBERS, B. Sc., O.L.S.

**CHAMBERS AND ASSOCIATES SURVEYING LTD**

12 THOROLD ROAD EAST WELLAND ONTARIO L3C 3T2 (905) 735-7841 / 735-7844 FAX (905) 735-7333 www.casl-surveying.com

DWG 21003\_SP FILE 21-03

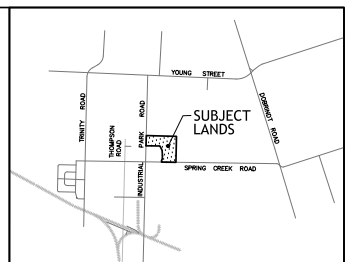
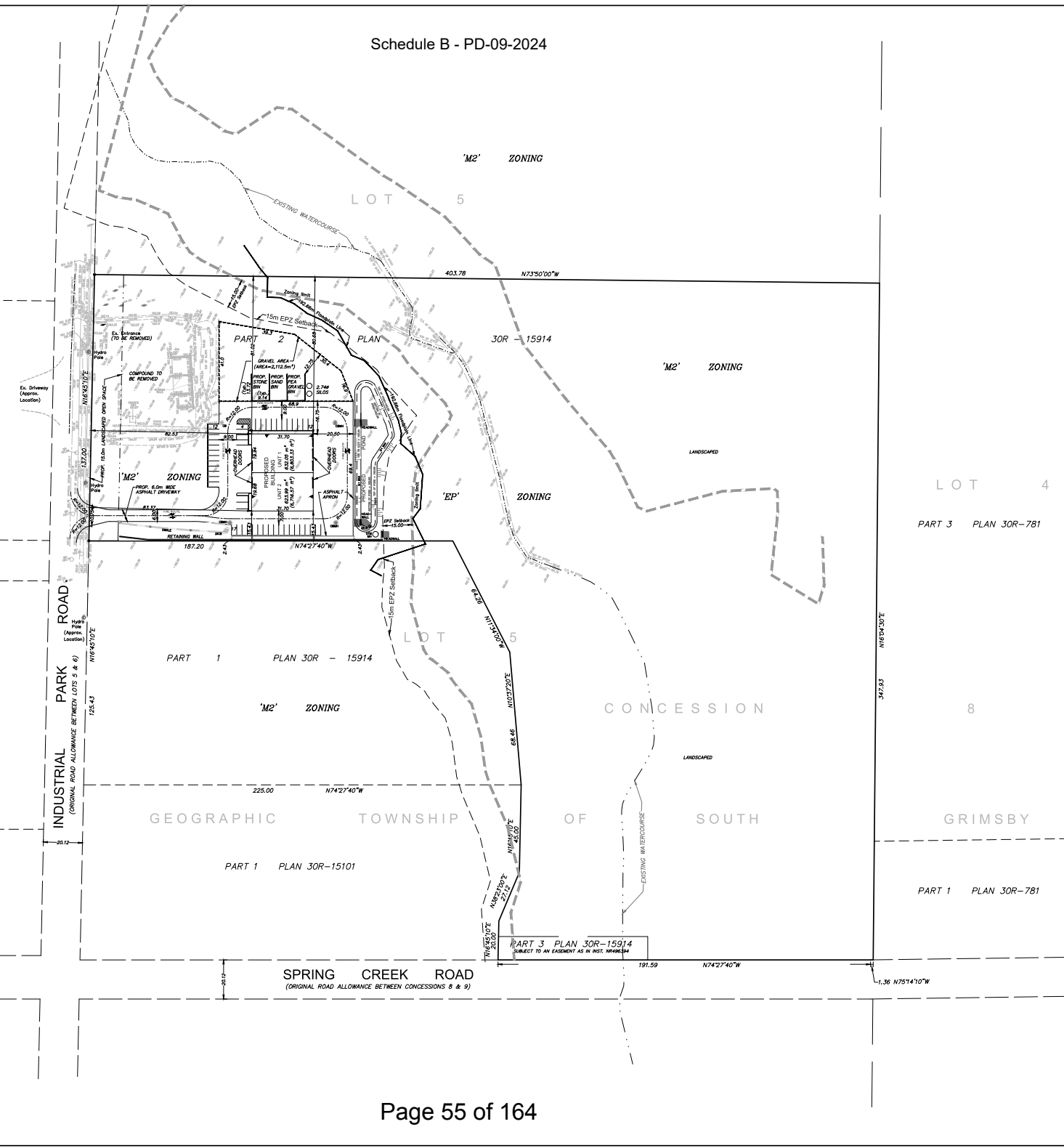
BENCHMARK:  
ELEVATIONS HEREON ARE GEODETIC AND WERE DERIVED FROM THE TOPNET RTK NETWORK, NAD83 CSRS, VERSION 3, EPOC 2010.

Schedule B - PD-09-2024

Ontario Building Code		Ontario Building Code	
Part	Section	Part	Section
1	1.1	1	1.1
1	1.2	1	1.2
1	1.3	1	1.3
1	1.4	1	1.4
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1	1.99	1	1.99
1	2.00	1	2.00

M2 Zone - Town of West Lincoln Zoning By-law No. 2017-70			
Provision	Required	Provided	Conforms
Permitted Use	Contractors Establishment	Contractors Establishment	Yes
Lot Area	2000m <sup>2</sup>	>2000m <sup>2</sup>	Yes
Lot Frontage	30m	137m	Yes
Front Yard	15m	82.5 m	Yes
Interior Side Yard	7.5m	15.4m	Yes
Rear Yard	7.5m	>7.5m	Yes
Lot Coverage	Max 50%	<2%	Yes
Height	10m	10m	Yes
Landscape Open Space	10% (50% of which shall be in front yard)	>50%	Yes
Max Outside Storage	5% (rear or side yard, screen from view (5.532m))	927m <sup>2</sup> ; Screened	Yes
Parking	1 per 100m <sup>2</sup> of Industrial Space	45 Parking Spaces (2 Accessible Spaces)	Yes
Parking	2.7m x 6.0m	2.7m x 6.0m	Yes

**NOTE:**  
The boundaries and measurements shown on this sketch are approximate and are compiled from plans on file in our office and not based on a field survey.  
Topographic information shown on this plan is based on a topographic sketch by J.D. Barnes Ltd. dated August 5th, 2022 (Ref. No. 17-49-029-02).



**REVISIONS**

No.	Revision	Date	By
7.	Revisions to the pond and 192.66m Floodplain Line	June 15 '23	RF
6.	Ontario Building Code matrix added.	Apr. 27 '23	RF
5.	Fire route added.	Apr. 21 '23	RF
4.	Floodplain line, prop. storm infrastructure & wall added.	Apr. 18 '23	RF
3.	Bins and silos added.	Jan. 12 '23	RF
2.	Location of building and parking revised.	Jan. 10 '23	RF
1.	Topographic survey & zoning added; site layout revised.	Aug. 15 '22	RF

- GENERAL NOTES**
- TENDERERS SHALL SATISFY THEMSELVES AS TO THE NATURE OF THE GROUND AND BID ACCORDINGLY.
  - ALL ROCK LINE INDICATIONS SHOWN ON THE PLAN MUST BE VERIFIED BY THE CONTRACTOR.
  - CONTRACTOR SHALL VERIFY LOCATIONS AND INVERTS OF ALL EXISTING SANITARY AND STORM SEWERS AND WATERMANS, PRIVATE SEWER DRAINS AND WATER SERVICES, GASMAINS, CABLE TV, HYDRO AND TELEPHONE DUCTS, ETC., AT START OF CONSTRUCTION.

**ENGINEER**

**PROJECT OWNER:**  
1794733 ONTARIO LTD.

NOT ISSUED FOR CONSTRUCTION

**MUNICIPALITY:**  
TOWNSHIP OF WEST LINCOLN (NIAGARA)

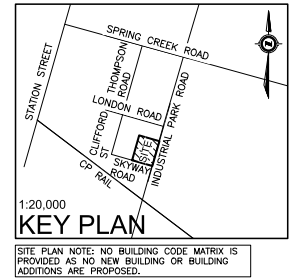
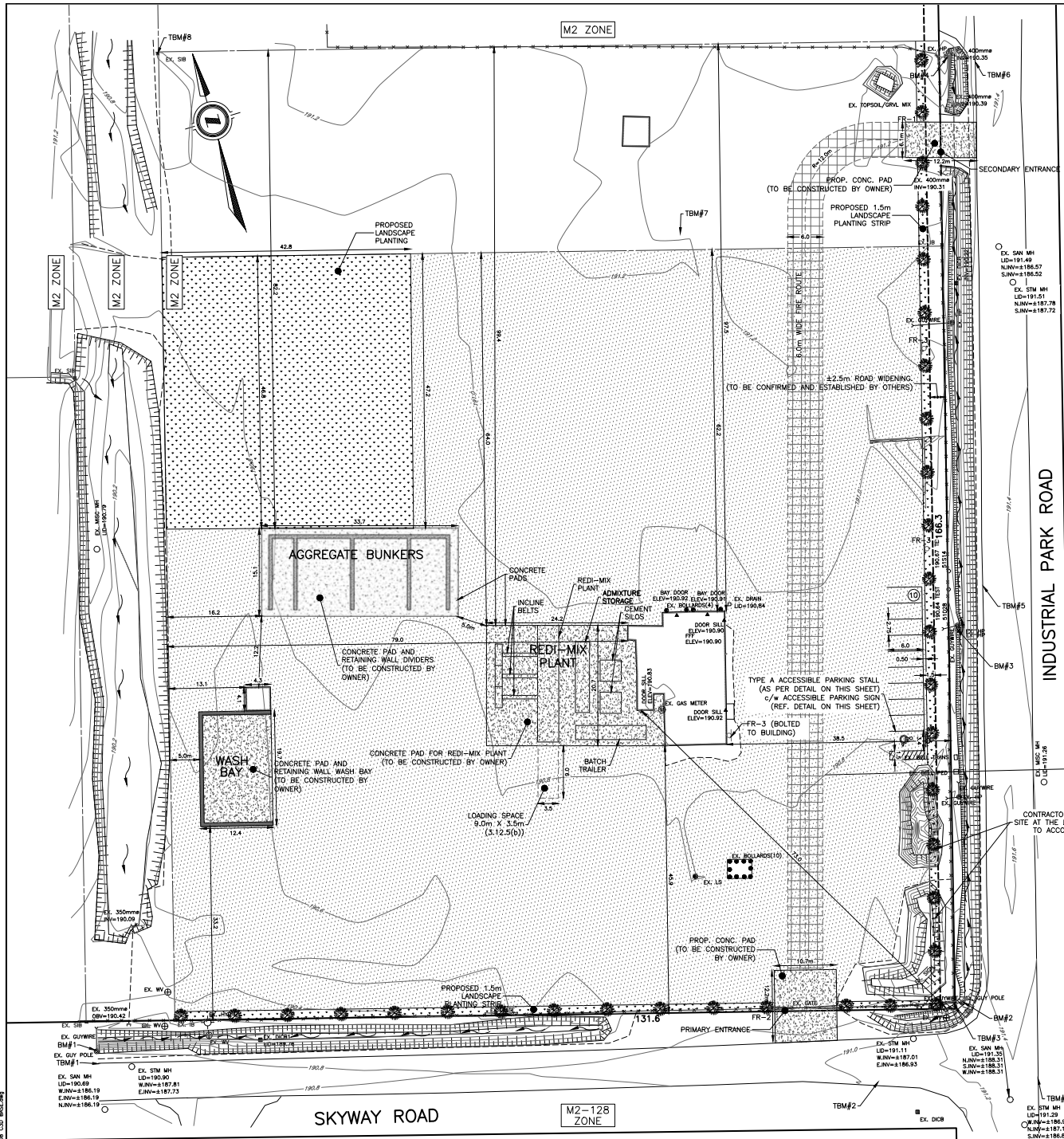
**PROJECT NAME:**  
2941 INDUSTRIAL PARK ROAD (FORMERLY 6159 INDUSTRIAL PARK ROAD)

**A. J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO L8P 1H1  
Tel: 905-528-8761 Fax: 905-528-2289  
email: ajc@ajclarke.com

**TITLE:**  
SITE PLAN

<b>SCALE:</b> 1:1000	<b>DATE:</b> JANUARY 2022
<b>DESIGN:</b>	<b>DRAWN:</b> L.H.
<b>DWG:</b> 218122	<b>SHT:</b> SP





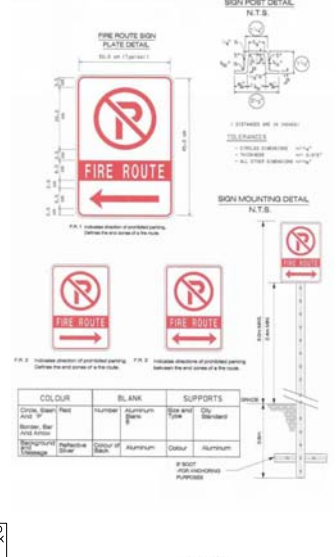
**LEGEND**

- PROPOSED CONCRETE
- PROPOSED GRAVEL YARD
- DESIGNATED FIRE ROUTE AS PER OBC 3.2.5
- PROPOSED LANDSCAPE PLANTING
- BUILDING ACCESS POINT OVERHEAD DOOR
- BOLLARD
- FR-3 FIREROUTE SIGN
- HYD EXISTING HYDRANT
- NUMBER OF PROPOSED PARKING SPACES IN A ROW
- PROPOSED CONIFEROUS TREE PROVIDED AND SPECIFIED BY OWNER

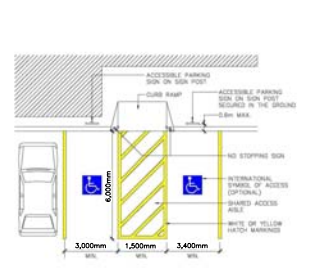
**SITE DATA (ZONE CATEGORY M2)**

ZONING REGULATION	REQUIRED	PROPOSED
LOT AREA (min.)	2,000 m <sup>2</sup> (0.19 ha)	21,896 m <sup>2</sup>
LOT FRONTAGE (min.)	30.0m	131.6m
FRONT YARD SETBACK (min.)	15.0m	45.9m
INTERIOR SIDE YARD (min.)	5.0m	79.0m
REAR YARD SETBACK (min.)	7.5m	97.5m
EXTERIOR SIDE YARD (min.)	7.5m	38.5m
LOT COVERAGE (max.)	50%	1.4%
ACCESSORY GROSS FLOOR AREA (max.)	10% OF GROSS FLOOR AREA	0%
LANDSCAPED OPEN SPACE (min.)	10% OF LOT AREA	11%
BUILDING HEIGHT (max.)	10.0m	~6.0m
OUTSIDE STORAGE (max.)	25%	2.3%
PARKING	3 TOTAL SPACES (1 PER 100 sq.m. INDUSTRIAL, 1 B.F. SPACES (4% OF TOTAL))	10 TOTAL SPACES (1 B.F. SPACE (TYPE A))

**FIRE ROUTE SIGN DETAILS**



ALL SETBACKS, LOT DIMENSIONS, AND AREAS RELATED TO THE PROPERTY LINES ARE BASED ON ASSUMED LINENWORK OBTAINED FROM G.S. THE OWNER MUST CONFIRM WITH A LICENSED OLS PRIOR TO CONSTRUCTION.



TYPE 'A' & 'B' ACCESSIBLE PARKING DETAIL NTS

**FIGURE 7.3 ACCESSIBLE PARKING SIGN**  
HIGHWAY TRAFFIC ACT, REGULATION 861  
PROHIBITED SIGN FOR PARKING SPACES UNDER THE HIGHWAY TRAFFIC ACT, REGULATION 861  
REQUIREMENT: SIGN FOR PARKING SPACES DESIGNATED UNDER MUNICIPALITY BY-LAW FOR THE USE OF PEOPLE WITH DISABILITIES



ACCESSIBLE PARKING SIGN DETAIL NTS

**SITE BENCHMARK:**

- BM 1 - SPIKE - SPIKE SET IN EAST FACE OF GPL#40163 LOCATED ON NORTH SIDE OF SKYWAY ROAD AT SOUTH-WEST CORNER OF SITE. ELEVATION = 190.970 METRES
- BM 2 - SPIKE - SPIKE SET IN NORTH FACE OF GPL#40683 LOCATED AT NORTH-WEST CORNER OF SKYWAY ROAD & INDUSTRIAL PARK ROAD, SOUTH-EAST CORNER OF SITE. ELEVATION = 191.283 METRES
- BM 3 - SPIKE - SPIKE SET INTO WEST FACE OF HP#40588 LOCATED ON THE WEST SIDE OF INDUSTRIAL PARK ROAD, THIRD POLE NORTH OF SKYWAY ROAD ON WEST SIDE. ELEVATION = 190.862 METRES
- BM 4 - SPIKE - SPIKE SET INTO SOUTH FACE OF HP#40592 LOCATED ON WEST SIDE OF INDUSTRIAL PARK ROAD, FOURTH POLE NORTH OF SKYWAY ROAD ON WEST SIDE. ELEVATION = 191.546 METRES
- TBM 1 - NAIL - NAIL SET IN NORTH EDGE OF PAVEMENT OF SKYWAY ROAD AT SOUTH-WEST CORNER OF SITE @ GPL#40163. ELEVATION = 190.911 METRES
- TBM 2 - NAIL - NAIL SET IN SOUTH EDGE OF PAVEMENT OF SKYWAY ROAD AT STOP SIGN TO INTERSECTION WEST OF INDUSTRIAL PARK ROAD. ELEVATION = 191.022 METRES
- TBM 3 - SIB - SIB AT SOUTH-EAST CORNER OF SITE. ELEVATION = 190.927 METRES
- TBM 4 - NAIL - NAIL SET IN EAST SIDE OF INDUSTRIAL PARK ROAD, OPPOSITE SOUTH EDGE OF PAVEMENT OF SKYWAY ROAD. ELEVATION = 191.432 METRES
- TBM 5 - NAIL - NAIL SET IN WEST EDGE OF PAVEMENT OF INDUSTRIAL PARK ROAD, OPPOSITE SECOND POLE (SOUTH SIDE) NORTH OF SKYWAY ROAD. ELEVATION = 191.282 METRES
- TBM 6 - NAIL - NAIL SET IN WEST EDGE OF PAVEMENT OF INDUSTRIAL PARK ROAD AT SPL#40592, NORTH-EAST CORNER OF SITE. ELEVATION = 191.470 METRES
- TBM 7 - SPIKE - SPIKE SET +/- 40.0m NORTH OF BUILDING IN GRAVEL. ELEVATION = 191.178 METRES
- TBM 8 - SIB - SIB NORTH-WEST CORNER OF SITE. ELEVATION = 190.983 METRES

TOPOGRAPHIC INFORMATION AND SITE BENCHMARK AS PROVIDED BY DEVELOPMENT ENGINEERING (LONDON) LIMITED, DATED: May 29, 2023.

EXISTING SERVICES	DRAWING #, SOURCE	DATE	AS CONSTRUCTED SERVICES	COMPLETION	DETAILS	No.	REVISIONS	DATE	CONSULTANT
					DESIGN BY RAB/RME	1	ISSUED FOR SPA	AUG 30/23	DEVENG
					DRAWN BY RAB/CZ/RME	2	REVISED FOR SPA	OCT 19/23	DEVENG
					CHECKED BY PJB	3	ISSUED FOR SPA2	NOV 24/23	DEVENG
					P.J.B. P30				

London Office  
41 Adelaide St. N., Unit 71  
(519) 672-8310

Paris Office  
31 Mechanic St., Unit 301  
(519) 442-1441

**development**  
Page 50 of 104  
CONSULTING CIVIL ENGINEERS

ENGINEER'S STAMP  
F. J. BARKER  
100224635  
Nov 24/23  
PROVINCE OF ONTARIO

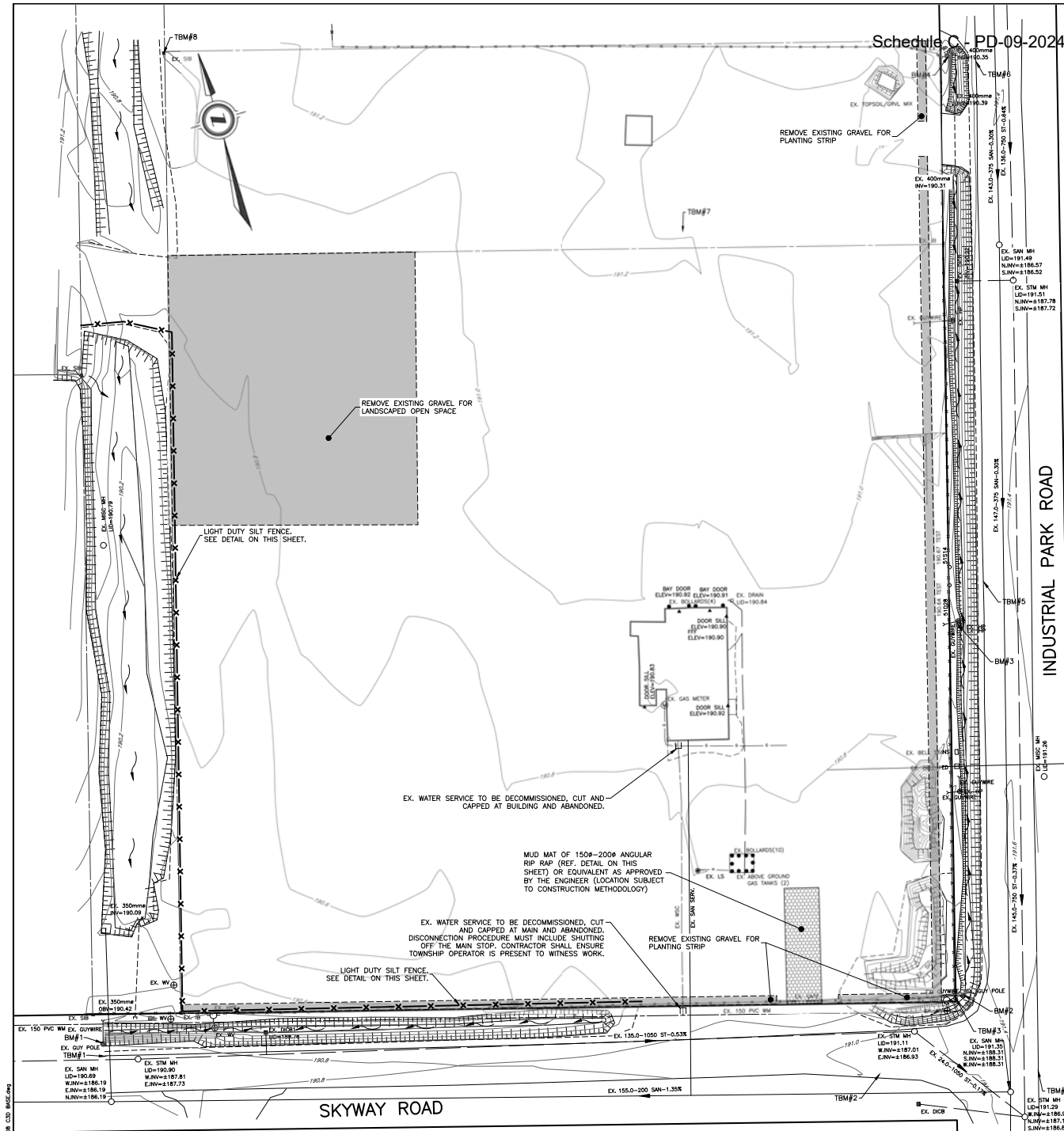
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TITLE: SMITHVILLE DEVELOPMENT - STUBBES  
6209 SKYWAY ROAD, SMITHVILLE, ON  
PLAN M94 LOT 33 PT LOT 34 AND RP 30R15618 PART 2;  
TOWNSHIP OF WEST LINCOLN

PROJECT No.: DEL23-008  
SHEET No.: SP1  
PLAN FILE No.:

TITLE: SITE PLAN





Schedule C PD-09-2024

- LEGEND:**
- EX. STMH EXISTING STORM MAINTENANCE HOLE
  - EX. SANMH EXISTING SANITARY MAINTENANCE HOLE
  - EX. CBMH EXISTING CATCHBASIN MAINTENANCE HOLE
  - EX. CB EXISTING CATCHBASIN
  - EX. DICB EXISTING DITCH INLET CATCHBASIN
  - EX. 50.0-200 SAN-1.0% EXISTING SANITARY SEWER
  - EX. 50.0-600 ST-0.5% EXISTING STORM SEWER
  - EX. FH EXISTING HYDRANT
  - EX. WV EXISTING WATER VALVE
  - EX. 1500 WM EXISTING WATERMAIN
  - EX. TV PFD EXISTING TV PEDESTAL
  - EX. TV CBL EXISTING TV CABLE
  - EX. GM EXISTING GAS METER
  - EX. GV EXISTING GAS VALVE
  - EX. GPM EXISTING GAS MAIN
  - EX. BP EXISTING BELL POLE
  - EX. B.PED EXISTING BELL PEDESTAL
  - EX. BMH EXISTING BELL MAINTENANCE HOLE
  - EX. B.CBL EXISTING BELL CABLE
  - EX. HMO EXISTING HYDRO MAINTENANCE HOLE
  - EX. HYDRO EXISTING HYDRO
  - EX. JBX EXISTING JUNCTION BOX
  - EX. HP/LS EXISTING HYDRO POLE/LIGHT STANDARD
  - EX. HP EXISTING HYDRO POLE
  - EX. LS EXISTING LIGHT STANDARD
  - EXISTING CONIFEROUS TREE
  - EXISTING DECIDUOUS TREE
  - EXISTING HEDGE
  - EXISTING SHRUB
  - EXISTING TREE STUMP
  - LIGHT-DUTY SILT FENCE
  - REMOVE EXISTING GRAVEL

- SITE BENCHMARK:**
- BM 1 - SPIKE - SPIKE SET IN EAST FACE OF GPL#40183 LOCATED ON NORTH SIDE OF SKYWAY ROAD AT SOUTH-WEST CORNER OF SITE. ELEVATION = 190.970 METRES
  - BM 2 - SPIKE - SPIKE SET IN NORTH FACE OF GPL#40583 LOCATED AT NORTH-WEST CORNER OF SKYWAY ROAD & INDUSTRIAL PARK ROAD, SOUTH-EAST CORNER OF SITE. ELEVATION = 191.283 METRES
  - BM 3 - SPIKE - SPIKE SET INTO WEST FACE OF HP#40589 LOCATED ON THE WEST SIDE OF INDUSTRIAL PARK ROAD, THIRD POLE NORTH OF SKYWAY ROAD ON WEST SIDE. ELEVATION = 190.862 METRES
  - BM 4 - SPIKE - SPIKE SET INTO SOUTH FACE OF HP#40592 LOCATED ON WEST SIDE OF INDUSTRIAL PARK ROAD, FOURTH POLE NORTH OF SKYWAY ROAD ON WEST SIDE. ELEVATION = 191.546 METRES
  - TBM 1 - NAIL - NAIL SET IN NORTH EDGE OF PAVEMENT OF SKYWAY ROAD AT SOUTH-WEST CORNER OF SITE @ GPL#40183. ELEVATION = 190.911 METRES
  - TBM 2 - NAIL - NAIL SET IN SOUTH EDGE OF PAVEMENT OF SKYWAY ROAD AT STOP SIGN TO INTERSECTION WEST OF INDUSTRIAL PARK ROAD. ELEVATION = 191.022 METRES
  - TBM 3 - SIB - SIB AT SOUTH-EAST CORNER OF SITE. ELEVATION = 190.927 METRES
  - TBM 4 - NAIL - NAIL SET IN EAST SIDE OF INDUSTRIAL PARK ROAD, OPPOSITE SOUTH EDGE OF PAVEMENT OF SKYWAY ROAD. ELEVATION = 191.282 METRES
  - TBM 5 - NAIL - NAIL SET IN WEST EDGE OF PAVEMENT OF INDUSTRIAL PARK ROAD, OPPOSITE SECOND POLE (SOUTH SIDE) NORTH OF SKYWAY ROAD. ELEVATION = 191.432 METRES
  - TBM 6 - NAIL - NAIL SET IN WEST EDGE OF PAVEMENT OF INDUSTRIAL PARK ROAD AT HPL#40592, NORTH-EAST CORNER OF SITE. ELEVATION = 191.470 METRES
  - TBM 7 - SPIKE - SPIKE SET +/- 40.0m NORTH OF BUILDING IN GRAVEL. ELEVATION = 191.178 METRES
  - TBM 8 - SIB - SIB NORTH-WEST CORNER OF SITE. ELEVATION = 190.983 METRES

**TOPOGRAPHIC INFORMATION AND SITE BENCHMARK**  
AS PROVIDED BY DEVELOPMENT ENGINEERING (LONDON) LIMITED, DATED: May 29, 2023.

THE OWNER'S CONTRACTOR SHALL USE TWO GEODETIC BENCHMARKS AT ALL TIMES DURING CONSTRUCTION.

PRIOR TO CONSTRUCTION THE OWNER'S CONTRACTOR SHALL OBTAIN LOCATES FOR, EXPOSE AND CONFIRM LOCATION OF ALL EXISTING UNDERGROUND UTILITIES WITHIN THE LIMIT OF CONSTRUCTION. OWNER'S CONTRACTOR SHALL SUPPORT EXISTING UNDERGROUND UTILITIES AS REQUIRED. UTILITY LOCATES WERE NOT AVAILABLE AT THE TIME OF THE SURVEY, SO UNDERGROUND UTILITIES ARE NOT SHOWN ON THIS PLAN.

THE CONTRACTOR IS RESPONSIBLE FOR THE CONTROL OF ALL SURFACE AND SUBSURFACE RUNOFF THROUGHOUT CONSTRUCTION. ADDITIONAL ESC MEASURES MAY BE REQUIRED AND MUST BE IMPLEMENTED AS PART OF THE CONTRACTOR'S WORK PLAN. SURFACE RUNOFF MUST BE DIVERTED AWAY FROM BUILDING AND SERVICING EXCAVATIONS.

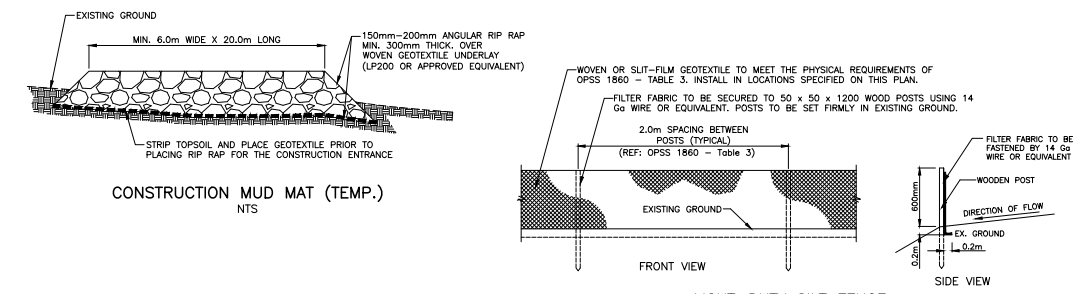
TOPSOIL STOCKPILE SIZES/LOCATIONS ARE TO BE DETERMINED BY THE CONTRACTOR DURING CONSTRUCTION. LIGHT-DUTY SILT FENCE MUST BE CONSTRUCTED AT TOE OF THE TOPSOIL STOCKPILES.

UNLESS OTHERWISE NOTED ON THESE PLANS, ALL GEOTEXTILE SHALL BE NON-WOVEN, MEET THE REQUIREMENTS OF CLASS 2 (OPSS 1860.07.02), AND BE INSTALLED WITH 300mm OVERLAPS.

THE OWNER'S CONTRACTOR MUST CONSTRUCT A TEMPORARY MUD MAT TO REMOVE SEDIMENT FROM CONSTRUCTION VEHICLES PRIOR TO EGRESS ONTO PUBLIC ROADS. THE LOCATION SHOWN ON THE PLAN IS SCHEMATIC; THE CONTRACTOR MUST SELECT A LOCATION APPROPRIATE TO SUIT THEIR WORK PLAN. THE CONTRACTOR MUST MAINTAIN THE MUD MAT THROUGHOUT CONSTRUCTION, AND REMOVE THE CONSTRUCTION ACCESS AND MUDMAT WHEN TEMPORARY CONSTRUCTION ACCESS IS NO LONGER REQUIRED.

- SEDIMENT AND EROSION CONTROL NOTES**
1. Protect all exposed surfaces and control all runoff during construction.
  2. All erosion control measures to be in place before starting construction and remain in place until restoration is complete.
  3. Maintain erosion control measures during construction.
  4. All collected sediment to be disposed of at an approved location.
  5. Minimize area disturbed during construction. All dewatering to be disposed of in an approved sedimentation basin.
  6. Protect all catchbasins, manholes and pipe ends from sediment intrusion with geotextile (Terrafix 270R or approved equivalent).
  7. Prevent wind-blown dust.
  8. Straw bales to be used in localized areas as shown and as directed by the Engineer during construction.
  9. Straw bales to be terminated by rounding bales to contain and filter runoff.
  10. All silt fencing and details are at the minimum to be constructed in accordance with the Ministry of Natural Resources Guidelines on Erosion and Sediment Control for Urban Construction Sites.
  11. Control runoff during construction.
  12. Regularly, and following major rainfall events, inspect and maintain erosion control measures during all phases of construction.
  13. All dewatering must be conducted using an approved outlet control method such as a sedimentation basin or filter sock. Effluent monitoring shall be required to ensure discharge is consistent with the receivers background quality.
  14. Keep all sumps and benching clean during construction and identify a regular maintenance program to do so. All sumps and benching are to be cleaned out at completion of construction.
  15. All of the above notes and any sediment and erosion control measures are at a minimum to be in accordance with the Ministry of Natural Resources Guidelines on Erosion and Sediment Control for Urban Construction Sites.

- SITE PREPARATION NOTES**
1. The Owner's Contractor shall take precautions to avoid damage to existing servicing and surfaces not designated for removal. Any damage shall be repaired and restoration completed at the expense of the Owner's Contractor.
  2. Topographic information and existing utility/servicing locations shown on the plan are derived (in part) from the field survey information collected by Development Engineering (London) Limited in the absence of underground utility records. The Owner's Contractor shall field locate all existing services and utilities prior to construction. The Owner's Contractor is responsible for the cost of repair or replacement of any utilities damaged or disturbed during construction, and shall immediately contact the appropriate utility owner upon such occurrence.
  3. Where utility crossings are required, the Owner's Contractor shall undertake appropriate measures for the temporary support of such utilities in accordance with the requirements of the utility owner.
  4. Prior to construction, the Owner's Contractor shall check and verify all site benchmarks, ground elevations, and service inverts, and immediately report any discrepancies to the Engineer.
  5. Prior to construction, an approved set of plans and specifications must be available on the job site and shall remain on-site for the duration of construction. The Owner's Contractor must verify with the Contract Administrator that the most current drawings are in circulation.
  6. The Owner's Contractor shall be responsible for protection of all survey markers and monuments during construction. Any legal survey monuments which are disturbed during construction shall be replaced at the expense of the Owner's Contractor.
  7. All works shall be undertaken in accordance with current Occupational Health and Safety Act requirements.
  8. Prior to undertaking on-site earth works, the Owner's Contractor shall install all sediment controls relevant to the area of site disturbance.
  9. The Owner's Contractor shall be responsible for regular monitoring and cleanup of tracked mud/debris on adjacent lands and public roads to the satisfaction of the Engineer and Township of West Lincoln.
  10. All excavations shall be backfilled to the surrounding subgrade elevation with suitable select inorganic soil or compacted granulars, of suitable moisture content, as approved by a Geotechnical Engineer. Such backfill material shall be placed in lifts not exceeding 200mm thickness and compacted to 100% SPMD, to the satisfaction of a Geotechnical Engineer.
  11. Existing surfaces within the Road Allowance that are disturbed during construction shall be restored to a condition at least as good as conditions prior to construction, to the satisfaction of the Engineer and Township of West Lincoln, at no additional cost to the Owner.
  12. The Owner's Contractor must not mix topsoil with subsoil where either soil is required for reuse on-site.
  13. All substitutions are subject to review and approval of the Engineer.



CONSTRUCTION MUD MAT (TEMP.)  
LIGHT-DUTY SILT FENCE (REF: OPSS 219.11)

EXISTING SERVICES	DRAWING #, SOURCE	DATE	AS CONSTRUCTED SERVICES	COMPLETION	DETAILS	No.	REVISIONS	DATE	CONSULTANT
	DESIGN BY RAB/PJW				ISSUED FOR SPA	1	AUG 30/23	DEVENG	
	DRAWN BY RAB/CZ/RAE				REVISED FOR SPA	2	OCT 19/23	DEVENG	
	CHECKED BY PJW				ISSUED FOR SPA2	3	NOV 24/23	DEVENG	
	P.J.W. P30								

London Office  
41 Adelaide St. N., Unit 71  
(519) 672-8310

Paris Office  
31 Mechanic St., Unit 301  
(519) 442-1441

**development**  
**Page 5 of 14**  
**Page 5 of 14**  
CONSULTING CIVIL ENGINEERS

ENGINEER'S SEAL  
J. J. BARKER  
100224635  
Nov 24/23  
PROVINCE OF ONTARIO

SCALE: 1:400  
4 0 8m

TITLE: SMITHVILLE DEVELOPMENT - STUBBES  
6209 SKYWAY ROAD, SMITHVILLE, ON  
PLAN M94 LOT 33 PT LOT 34 AND RP 30R15818 PART 2;  
TOWNSHIP OF WEST LINCOLN

PROJECT No: DEL23-008  
SHEET No: SE1  
PLAN FILE No:

EXISTING CONDITIONS, REMOVALS AND ESC





**DATE:** February 12, 2024

**REPORT NO:** PD-10-2024

**SUBJECT:** **Confirmation of Road Closing between lots 33 and 34  
Concession 6, Gainsborough Ward, Township of West Lincoln**

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

**OVERVIEW:**

- Staff have been approached for a copy of a road closing by-law for the road allowance between lots 33 and 34 CONC 6, Gainsborough Ward, Township of West Lincoln.
- Staff had been unable to find such a by-law and have been informed that Mr. Salter Hayden confirmed that no by-law existed in a 1989 letter.
- This allowance appears to have been closed in lieu of a given road now known as Port Davidson Road between lots 32 and 33 CONC 6 former Gainsborough Ward, Township of West Lincoln.
- Staff have been provided with a deed from December 26, 1901 as signed by the Reeve (Windle Johnson) and Clerk (Samuel Kennedy) of the day conveying the road allowance from Sixteen Road north to North Creek to Nathaniel P. Henning (physician) of Smithville. This deed can be found as Schedule 1 to this report.
- Currently, the property owner who currently includes the road allowance in their deed is refinancing and has been requested by the bank to provide the by-law for the closed road.
- Staff propose that the Road Closing procedure (POL-C-02-07) be waived in this instance, and that a confirming by-law be passed to confirm the previous conveyance in 1901 of a closed road allowance.

**RECOMMENDATION:**

1. That, Report PD-10-2024, regarding “Confirmation of Road Closing between lots 33 and 34 Concession 6, Gainsborough Ward, Township of West Lincoln”, dated February 12<sup>th</sup>, 2024 be RECEIVED and;
2. That, a By-law be passed, such as the draft by-law found at Schedule 2 to this report, to confirm the closing of the road allowance between lots 33 and 34

- Concession 6, former Township of Gainsborough and now described as Parts 5, 6, and 7 RP 30R-6275 on a survey dated February 22, 1990; and,
3. That, staff be instructed to approach the other three affected property owners to the north to confirm closing of the road allowance adjacent to or on their lands as well; and,
  4. That, costs of registration of the confirming by-law be borne by the Township of West Lincoln.

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

#### **Theme**

- **CHAMPION** - strategic and responsible growth

### **BACKGROUND:**

A survey completed by Ashenhurst Nouwens Ltd in 1990 notes that the unopened road allowance between lots 33 and 34 CONC 6, Gainsborough ward, was conveyed by Instrument No. 6429 in 1902. A further notation on the survey confirms that the road allowance was closed by Municipal Act RSO 1970 CH 284 S463 in lieu of given road off the easterly side of Lot 33. This is Port Davidson Road, which appears to have been conveyed to the Township originally by Instrument No. 6378 (1902) in 1902.

### **CURRENT SITUATION:**

Staff have been approached for a copy of a road closing by-law for the road allowance between lots 33 and 34 CONC 6, Gainsborough Ward, Township of West Lincoln. Staff have been unable to find such a by-law but then were subsequently informed that Mr. Salter Hayden had confirmed that no by-law existed in a 1989 letter.

This allowance appears to have been closed in lieu of a given road now known as Port Davidson Road between lots 32 and 33 CONC 6 former Gainsborough ward, Township of West Lincoln.

Staff are in receipt of a deed from December 26, 1901 as signed by the Reeve (Windle Johnson) and Clerk (Samuel Kennedy) of the day conveying the road allowance from Sixteen Road north to North Creek to Nathaniel P. Henning (physician) of Smithville. This deed can be found as Schedule 1 to this report.

Currently, the property owner who includes the road allowance in their deed is refinancing and has been requested to provide the by-law closing the road to the bank.

Staff propose that the Road Closing procedure (POL-C-02-07) be waived in this instance and that a confirming by-law be passed to confirm the previous conveyance in 1901 of a closed road allowance.

### **FINANCIAL IMPLICATIONS:**

There is no significant cost as survey work was completed in 1990 to describe this part of the road allowance. The only cost will be \$200-\$300 to register the new confirming road closing by-law on title.

**INTER-DEPARTMENTAL COMMENTS:**

Not applicable to this report.

The north end of this road allowance is under one of the school buildings on Townline Road as the proposed allowance would align with Wade Road. Closing of the road at Townline Road appears to be certain. Therefore, closing the entire stretch from Sixteen Road to Townline Road is straight forward and should cause no concern nor issues.

**CONCLUSION:**


Staff recommend the passage of a confirmation by-law to confirm that the road was properly closed prior to conveyance in 1902 as illustrated by Schedule 1 to this report. Further staff recommend that the sale of Road Closing procedure (POL-C-02-07) be waived.

**SCHEDULES:**

1. Deed from December 26, 1901
2. Survey
3. Draft Road Closing By-law

**Prepared & Submitted by:**

**Approved by:**



---

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

---

**Donna DeFilippis**  
**Interim CAO**



No 6429

Dated Dec 26 1901

County of J

To Wit

The Corporation of

Gainsboro

Inc

N. P. Henning

Deed of Land

situate lot 33-34 cont  
Gainsboro

make oath and say

1. That I was personally present and did see the within Instrument and Duplicate thereof duly signed sealed and executed by

the parties thereto

2. That the said Instrument and Duplicate were executed at

3. That I know the said part

4. That I am a subscribing Witness to the said Instrument and Duplicate.

Done before me at

in

the County

this

day of

in the year of our Lord 1

A Commissioner for taking Affidavits in

I CERTIFY that the within Instrument is duly entered and Registered in the Registry Office for the County of Lincoln, in Book... 1, 3... for the Township of... Gainsboro... at... 11... 0'clock... A.M., of the... 13... day of... June... A. D. 1902  
Number... 6429.

.....  
Registar.

# This Indenture

made (in duplicate) the Twenty Sixth day of December  
in the year of our Lord One thousand nine hundred and  
one. In pursuance of the Act respecting Short  
Forms of Conveyances.

Between The Corporation of the Township of  
Gainsboro. in the County of Lincoln. and  
Province of Ontario.

Of the First Part. and  
Nathaniel P. Henning of the  
Village of Smithville. in the said  
County of Lincoln. Physician.

Of the second Part

Witnesseth that in consideration of two  $\frac{57}{100}$  Acres of  
land. be the same more or less. and one dollar of lawful  
money of Canada now paid by the said party of the second  
part to the said party of the first part (the receipt whereof  
is hereby by them acknowledged) they the said party of  
the first part Do Grant unto the said party of the second  
part in fee simple

All and Singular that certain parcel or tract of land and  
premises situate lying and being in the Township of  
Gainsboro and County of Lincoln. Containing by  
admeasurement two  $\frac{57}{100}$  Acres of land  
be the same more or less.

Composed of part of the Allowance for road lying between lots thirty three and thirty four in the sixth Concessions of the Township of Gainsboro in the County of Lincoln.

Commencing at a point in the West limit of said lot number thirty three, where it is intersected by the South limit of Nathaniel P. Hennings' farm; Thence North in the said West limit twenty five Chains and fifty seven links more or less to the North limit of said farm; Thence West one Chain to the East limit of lot thirty four in the said sixth Concession; Thence South in the said East limit twenty five chains and fifty seven links more or less to a point on line with the South limit of the said Nathaniel P. Hennings' farm; and Thence East one chain to the place of beginning.

**To have and To hold** unto the said party of the Second part his heirs and assigns to and for his and their sole and only use **for ever** Subject nevertheless, to the reservations, limitations, provisos and conditions expressed in the original Grant thereof from the Crown.



The said party of the First part Covenants with the said party of the Second part That they have the right to convey the said lands to the said party of the Second part notwithstanding any act of the said party of the First part.

And that the said party of the Second part shall have quiet possession of the said lands, free from all incumbrances.

And the said party of the First part Covenants with the said party of the Second part that they will execute such further assurances of the said lands as may be requisite.

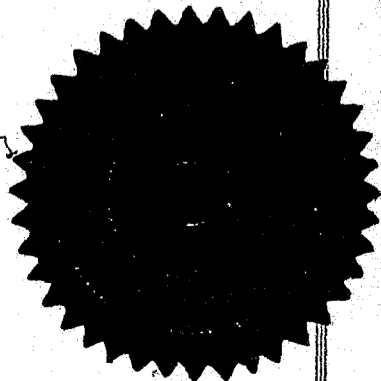
And the said party of the First part Covenants with the said party of the Second part that they have done no act to incumber the said lands.

And the said party of the First part Releases to the said party of the Second part all their Claims upon the said lands.

In Witness whereof the said parties hereto have hereunto set their hands and seals Signed sealed and delivered in the presence of

Wardle Johnson  
Reeve

Samuel Kennedy  
Clerk





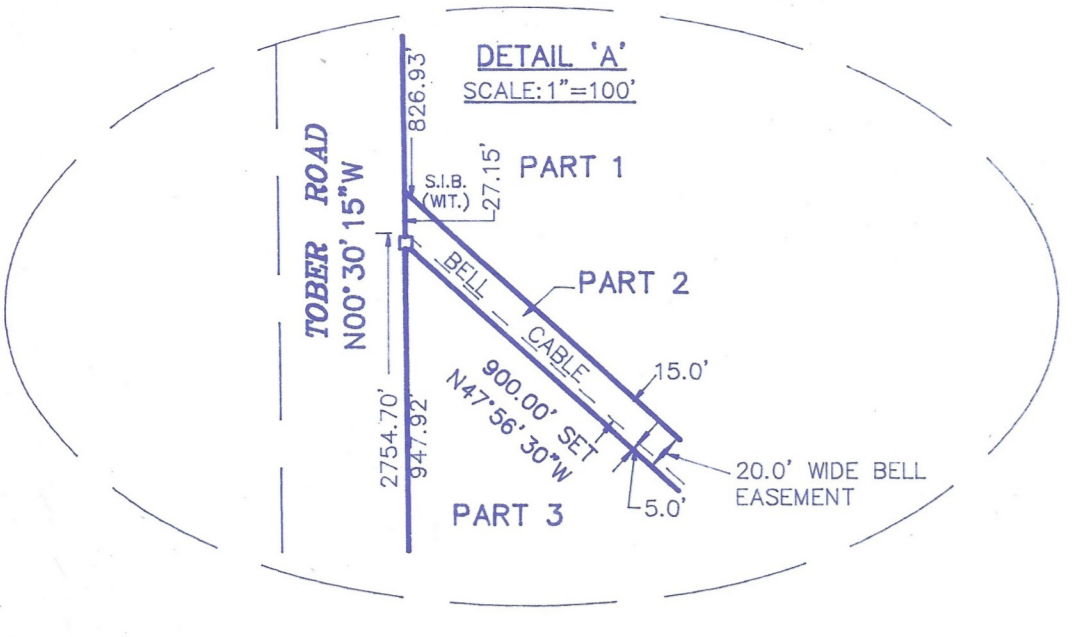
# PLAN 30R-6275

RECEIVED AND DEPOSITED  
 DATE Feb. 28, 1990 ASST. DEP. B. M. [Signature]  
 LAND REGISTRAR FOR THE REGISTRY  
 DIVISION OF NIAGARA NORTH (30)

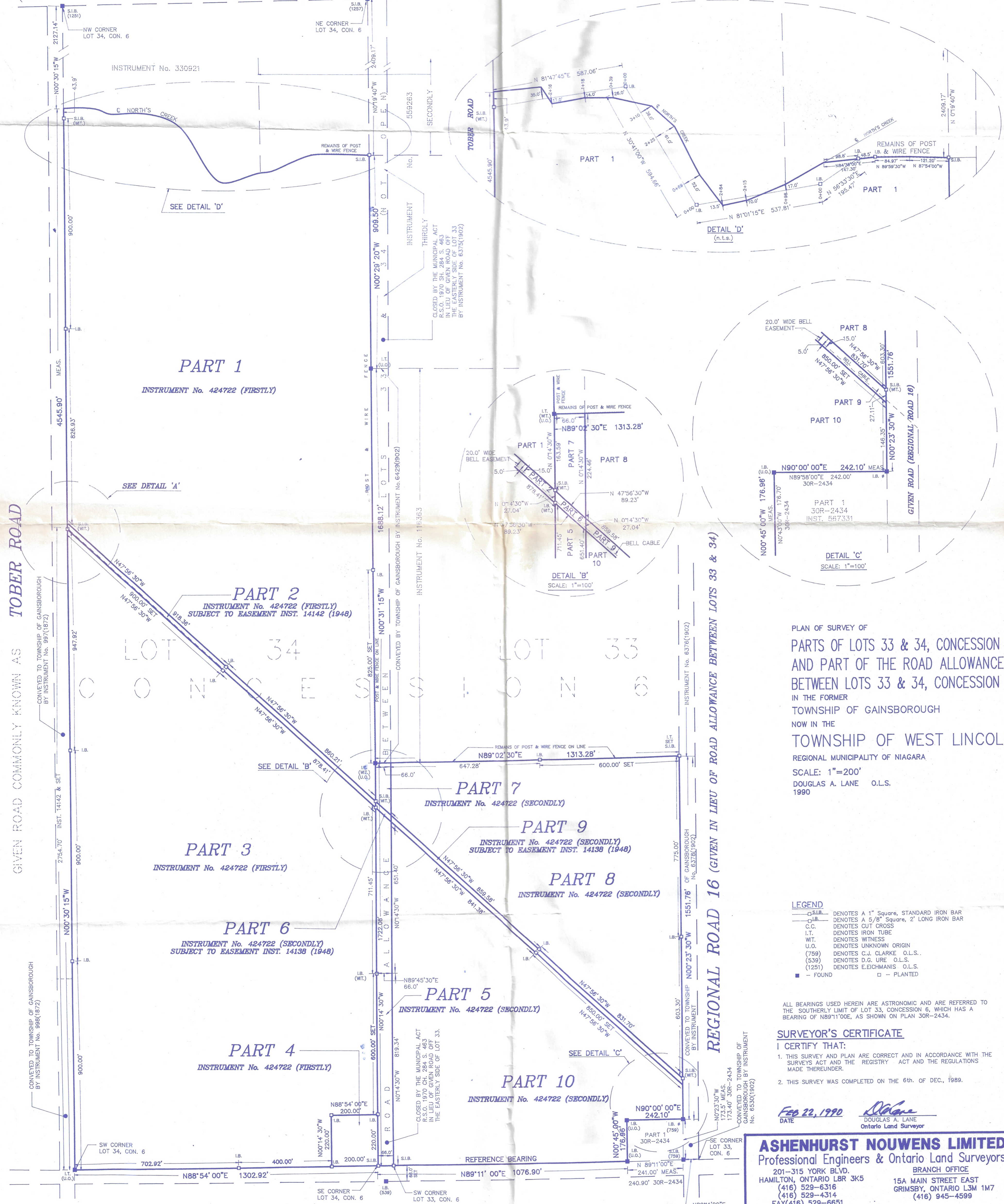
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.  
 DATE FEB. 22, 1990  
Douglas A. Lane  
 DOUGLAS A. LANE  
 ONTARIO LAND SURVEYOR

**CAUTION**  
 THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

PART	INSTRUMENT No.	AREA	LOCATION
1	424722-FIRSTLY	66.703 ACRES ±	LOT 34, CONCESSION 6
2	424722-FIRSTLY SUBJECT TO EASEMENT INST. 14142	0.817 ACRES ±	
3	424722-FIRSTLY	63.206 ACRES ±	
4	424722-FIRSTLY	1.010 ACRES ±	
5	424722-SECONDLY	2.274 ACRES ±	ROAD ALLOWANCE BETWEEN LOTS 33 & 34, CONCESSION 6
6	424722-SECONDLY SUBJECT TO EASEMENT INST. 14138	0.041 ACRES ±	
7	424722-SECONDLY	0.244 ACRES ±	
8	424722-SECONDLY	22.955 ACRES ±	LOT 33, CONCESSION 6
9	424722-SECONDLY SUBJECT TO EASEMENT INST. 14138	0.777 ACRES ±	
10	424722-SECONDLY	24.744 ACRES ±	



## REGIONAL ROAD 14 (SOUTH GRIMSBY--GAINSBOROUGH TOWNLINE)



PLAN OF SURVEY OF  
 PARTS OF LOTS 33 & 34, CONCESSION 6  
 AND PART OF THE ROAD ALLOWANCE  
 BETWEEN LOTS 33 & 34, CONCESSION 6  
 IN THE FORMER  
 TOWNSHIP OF GAINSBOROUGH  
 NOW IN THE  
 TOWNSHIP OF WEST LINCOLN  
 REGIONAL MUNICIPALITY OF NIAGARA  
 SCALE: 1"=200'  
 DOUGLAS A. LANE O.L.S.  
 1990

- LEGEND**
- S.I.B. DENOTES A 1" Square, STANDARD IRON BAR
  - I.B. DENOTES A 5/8" Square, 2' LONG IRON BAR
  - C.C. DENOTES CUT CROSS
  - I.T. DENOTES IRON TUBE
  - WIT. DENOTES WITNESS
  - U.O. DENOTES UNKNOWN ORIGIN
  - (759) DENOTES C.J. CLARKE O.L.S.
  - (539) DENOTES D.G. URE O.L.S.
  - (1251) DENOTES E.EIGHMANIS O.L.S.
  - — FOUND
  - — PLANTED

ALL BEARINGS USED HEREIN ARE ASTROMOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF LOT 33, CONCESSION 6, WHICH HAS A BEARING OF N89°11'00"E, AS SHOWN ON PLAN 30R-2434.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.  
 2. THIS SURVEY WAS COMPLETED ON THE 6th. OF DEC., 1989.

DATE FEB 22, 1990  
 DOUGLAS A. LANE  
 Ontario Land Surveyor

**ASHENHURST LAUNDERS LIMITED**  
 Professional Engineers & Ontario Land Surveyors  
 201-315 YORK BLVD. HAMILTON, ONTARIO L8R 3K5  
 (416) 529-6316  
 (416) 529-4314  
 FAX (416) 529-6651

BRANCH OFFICE  
 15A MAIN STREET EAST  
 GRIMSBY, ONTARIO L3M 1M7  
 (416) 945-4599

DRAWN BY: M.S.	CALC'D BY: DAL	CHK'D BY: DAL
DATE DWG: 6th. JAN., 1990	FILE No.:	89806



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

**BY-LAW NO. 2024-XX**

**A BY-LAW TO PERMANENTLY CLOSE PART OF THE MUNICIPAL ROAD ALLOWANCE BETWEEN LOTS 33 & 34, CONCESSION 6, BEING PARTS 5, 6, AND 7 OF 30R-6275 FORMER TOWNSHIP OF GAINSBOROUGH, NOW IN THE TOWNSHIP OF WEST LINCOLN, EXTENDING FROM SIXTEEN ROAD NORTHERLY TOWARD TOWNLINE ROAD (PIN XXXXXX)**

**WHEREAS** Sections 11 and 27 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, permit a Council to pass bylaws in respect of any highway or part of a highway which is under the jurisdiction of the municipality;

**AND WHEREAS** the Council of the Corporation of the Township of West Lincoln desires to confirm a 1901/1902 decision to permanently close the municipal road allowance between Lots 33 & 34, Concession 6, Former Township of Gainsborough, Now in the Township of West Lincoln, Being Parts 5, 6, and 7 Reference Plan 30R-6275 and being Part of **PIN XXXXXXX**;

**AND WHEREAS** Section 34(1) requires that this by-law to permanently stop up and close a road does not take effect until registered in the proper land registry office;

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

1. That, the municipal road allowance between Lots 33 & 34, Concession 6, Former Township of Gainsborough, Now in the Township of West Lincoln, being parts 5, 6 and 7 Reference Plan 30R-6275 and being part of **PIN XXXXXX**, be and the same is hereby confirmed as being permanently closed since 1901/1902. See attached Schedule 'A'.
2. That a certified copy of this by-law be registered in the proper Land Registry Office.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>th</sup> DAY OF FEBRUARY, 2024**

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**MAYOR CHERYL GANANN**

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**NANCY FIORENTINO, CLERK**



**DATE:** February 12, 2024

**REPORT NO:** PD-12-2024

**SUBJECT:** **Zoning By-law Amendment for Updating Accessible Parking Regulations**

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

**OVERVIEW:**

- In late 2023 it was brought to the attention of the Township Clerk’s Department (via the Joint Accessibility Advisory Committee) that the Township Comprehensive Zoning By-law had not been properly updated in regards to parking standards for accessible parking spaces upon its approval in June of 2017.
- Ontario Regulation 413/12 came into effect in December of 2012 which updated the parking standards for accessible parking spaces per number of mandated parking spaces. This regulation can be found at Schedule 1 to this report.
- Staff have deemed it necessary to amend the Township Comprehensive Zoning by-law to reflect Ontario Regulation 413/12 and bring the Township into compliance with current recognize standards.
- Township staff have investigated current municipal parking lots/spaces and have determined that they are well within compliance with this regulation.

**RECOMMENDATION:**

1. That, Recommendation Report PD-12-2024, regarding “Zoning By-law Amendment for Updating Accessible Parking Regulations”, dated February 12<sup>th</sup>, 2024 be received; and,
2. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*; and
3. That, a By-law be passed, such as the draft by-law found at Schedule 1 to this report.

**ALIGNMENT TO STRATEGIC PLAN:**

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

**BACKGROUND:**

In late 2023 it was brought to the attention of the Township Clerk’s Department (via the Joint Accessibility Advisory Committee) that the Township Comprehensive Zoning By-law had not been properly updated in regards to parking standards for accessible parking spaces upon its approval in June of 2017.

Ontario Regulation 413/12 came into effect in December of 2012 which updated the parking standards for accessible parking spaces per number of mandated parking spaces. This regulation can be found at Schedule 1 to this report.

**CURRENT SITUATION:**

Staff have deemed it necessary to amend the Township Comprehensive Zoning by-law to reflect Ontario Regulation 413/12 and bring the Township into compliance with current recognize standards.

This amendment will be accomplished by deleting and replacing Table 7 in *Section 3. General Provision* under subsection *3.12.6 Off-Street Motor Vehicle Parking Facility Requirements*, as follows:

**Table 7: Required Barrier-Free Parking Facilities**

Total Number of Parking Spaces on the Lot	Minimum Number of Barrier-Free Parking Spaces		
	Type A	Type A or B	Total
0 to 12 <i>parking spaces</i>	1	-	1
13 to 100 <i>parking spaces</i>	4% of the total number of parking spaces <sup>(1)</sup> , of which, 50% shall be Type A and 50% shall be Type B <sup>(2)</sup>		
101 to 200 <i>parking spaces</i>	1 space plus 3% of the total number of parking spaces, of which, 50% shall be Type A and 50% shall be Type B <sup>(2)</sup>		
201 to 1000 <i>parking spaces</i>	2 spaces plus 2% of the total number of parking spaces, of which, 50% shall be Type A and 50% shall be Type B <sup>(2)</sup>		
1001 or more <i>parking spaces</i>	11 spaces plus 1% of the total number of parking spaces, of which, 50% shall be Type A and 50% shall be Type B <sup>(2)</sup>		

<sup>(1)</sup> Where the minimum number of required Accessible Parking Spaces results in one (1) Accessible Parking Space being required, the parking space shall be a Type A parking space.

<sup>(2)</sup> Where the minimum number of required Accessible Parking Spaces results in an odd number of Accessible Parking Spaces being required, the additional space may be a Type B parking space.

Township staff have investigated our municipal parking lots/spaces and have

determined that they are well within compliance with this regulation and are as follows:

- **West Lincoln Community Centre:**  
Under the existing bylaw we would require 12 barrier free spaces (12 currently provided), under the proposed only 8 barrier free spaces based on 300 parking spaces provided at the arena site.
- **Wellandport library** – current bylaw requires 2 (4 currently provided), under proposed only 1 space is required.
- **Convenience St:** Current bylaw requires 2, (two provided), under new bylaw only 1 required.
- **CIBC:** Current Bylaw requires 1 space (2 spaces provided), under new bylaw 1 space.

**FINANCIAL IMPLICATIONS:**

Not applicable at this time.

**INTER-DEPARTMENTAL COMMENTS:**

This Zoning By-law Amendment and report have been discussed with Senior Management as well as with the Manager of Parks, Recreation and Facilities.

**CONCLUSION:**

Planning staff recommend that the Draft By-law, as found at Schedule 2 to this report, be approved to amend the Township of West Lincoln Comprehensive Zoning By-law.

**SCHEDULES:**

1. Ontario Regulation 413/12
2. Draft By-law

**Prepared & Submitted by:**



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**Brian Treble**  
Director of Planning & Building

**Approved by:**



---

**Donna DeFilippis**  
Interim CAO





Français

**ONTARIO REGULATION 413/12**

made under the

**ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005**

Made: December 12, 2012

Filed: December 14, 2012

Published on e-Laws: December 17, 2012

Printed in The Ontario Gazette: December 29, 2012

**AMENDING O. REG. 191/11**

**(INTEGRATED ACCESSIBILITY STANDARDS)**

**1. Subsection 1 (1) of Ontario Regulation 191/11 is revoked and the following substituted:**

**Purpose and application**

(1) This Regulation establishes the accessibility standards for each of information and communications, employment, transportation and the design of public spaces.

**2. Section 2 of the Regulation is amended by adding the following definitions:**

“mobility aid” means a device used to facilitate the transport, in a seated posture, of a person with a disability; (“aide à la mobilité”)

“mobility assistive device” means a cane, walker or similar aid; (“appareil ou accessoire fonctionnel de mobilité”)

**3. (1) Clause 4 (3) (a) of the Regulation is amended by adding “including steps taken to comply with this Regulation” at the end.**

**(2) Section 4 of the Regulation is amended by adding the following subsections:**

(3.1) An upper-tier municipality and any lower-tier municipalities that form part of it for municipal purposes may prepare a joint accessibility plan and a joint annual status report.

(3.2) A joint accessibility plan and a joint annual status report prepared in accordance with subsection (3.1) are deemed to be the accessibility plan and annual status report of each municipality to which they apply and subsections (2) and (3) apply, with necessary modifications, where municipalities prepare a joint accessibility plan and a joint annual status report.

**4. (1) Subsection 5 (1) of the Regulation is amended by striking out “accessibility criteria and features” and substituting “accessibility design, criteria and features”.**

**(2) Subsection 5 (2) of the Regulation is amended by striking out “accessibility criteria and features” and substituting “accessibility design, criteria and features”.**

**5. The definitions of “mobility aid” and “mobility assistive device” in section 33 of the Regulation are revoked.**

**6. The Regulation is amended by adding the following Part:**

#### PART IV.1

### DESIGN OF PUBLIC SPACES STANDARDS (ACCESSIBILITY STANDARDS FOR THE BUILT ENVIRONMENT)

#### DEFINITIONS, APPLICATION AND SCHEDULE

##### Definitions

**80.1** In this Part,

“amenities” means items that provide conveniences or services for use by the public, examples of which include drinking fountains, benches and garbage receptacles; (“installations”)

“beach access routes” means routes that are constructed and are intended for pedestrian use by the public and that provide access from off-street parking facilities, recreational trails, exterior paths of travel and amenities to an area of a beach that is intended for recreational use by the public; (“voie accessible menant à une plage”)

“bevel” means a small slope that helps an individual negotiate an elevation change; (“biseau”)

“cross slope” means the slope of a surface that is perpendicular to the direction of travel; (“pente transversale”)

“environmental mitigation” means activities that are intended to reduce, mitigate, prevent or compensate for adverse effects of human activities or items, including paths, play spaces, trails and parking, upon fish, wildlife, plants, invertebrates, species at risk, ecological integrity or natural heritage values; (“activités d’atténuation des conséquences environnementales”)

“environmental restoration” means activities that are intended to benefit fish, wildlife, plants, invertebrates, species at risk, ecological integrity or natural heritage values; (“activités de restauration de l’environnement”)

“in-line ramp” means a ramp that does not change directions; (“rampe en ligne droite”)

“maintenance” means activities that are intended to keep existing public spaces and elements in existing public spaces in good working order or to restore the spaces or elements to their original condition, examples of which include painting and minor repairs; (“entretien”)

“mm” means millimeters; (“mm”)

“off-street parking facilities” includes open area parking lots and structures intended for the temporary parking of vehicles by the public, whether or not the payment of a fee is charged and includes visitor parking spaces in parking facilities; (“installations de stationnement hors voirie”)

“on-street parking” includes parking spaces located on highways, as defined in subsection 1 (1) of the *Highway Traffic Act*, that provide direct access to shops, offices and other facilities whether or not the payment of a fee is charged; (“stationnement sur voirie”)

“recreational trails” means public pedestrian trails that are intended for recreational and leisure purposes; (“sentier récréatif”)

“redeveloped” means planned significant alterations to public spaces, but does not include maintenance activities, environmental mitigation or environmental restoration; (“réaménagement”)

“rest area” means, in respect of recreational trails and exterior paths of travel, a dedicated level area that is intended for public use to allow persons to stop or sit; (“aire de repos”)

“running slope” means the slope of a surface that is parallel to the direction of travel; (“pente longitudinale”)

“species at risk” means a species listed in Schedules 1, 2, 3 or 4 to Ontario Regulation 230/08 (Species at Risk in Ontario List) made under the *Endangered Species Act, 2007*; (“espèces en péril”)

“vibro-tactile walk indicators” means pedestrian crossing signal push button devices that vibrate and can be felt through the sense of touch to communicate pedestrian crossing timing in a non-visual way. (“signal de marche vibrotactile”)

**Application**

**80.2** (1) Except as otherwise specified, this Part applies to public spaces that are newly constructed or redeveloped on and after the dates set out in the schedule in section 80.5 and that are covered by this Part.

(2) Except as otherwise specified, this Part applies to obligated organizations.

(3) In this Part where in a standard or requirement there is a reference to an obligated organization, it is a reference to the obligated organization that constructs or redevelops any public space to which this Part applies and not to any other obligated organization that may have provided a permit, approval or other authorization or that may have an interest in the land where the thing to which the standard or requirement applies is located.

**Transition**

**80.3** Where an obligated organization has entered into a contract on or before December 31, 2012 to construct or redevelop any public space to which this Part applies and the contract does not meet the requirements of this Part, the obligated organization is not required to meet the requirements of this Part in honouring the existing contract.

**Slope ratios**

**80.4** In this Part, the ratios with respect to the slope of a surface mean that for every one unit of elevation expressed as the first number in the ratio, the user has the second number in the ratio in length with which to negotiate the one unit of elevation.

**Schedule**

**80.5** Obligated organizations shall meet the requirements set out in this Part in accordance with the following schedule:

1. For the Government of Ontario and the Legislative Assembly, January 1, 2015.
2. For designated public sector organizations, January 1, 2016.
3. For large organizations, January 1, 2017.
4. For small organizations, January 1, 2018.

## RECREATIONAL TRAILS AND BEACH ACCESS ROUTES, GENERAL

**Trails**

**80.6** This Part applies to newly constructed and redeveloped recreational trails that an obligated organization intends to maintain, but does not apply to the following types of recreational trails:

1. Trails solely intended for cross-country skiing, mountain biking or the use of motorized snow vehicles or off-road vehicles.
2. Wilderness trails, backcountry trails and portage routes.

**Beach access routes**

**80.7** This Part applies to newly constructed and redeveloped beach access routes that an obligated organization intends to maintain, including permanent and temporary routes and temporary routes that are established through the use of manufactured goods, which can be removed for the winter months.

**Consultation, recreational trails**

**80.8** (1) Obligated organizations shall consult on the following before they construct new or redevelop existing recreational trails:

1. The slope of the trail.
2. The need for, and location of, ramps on the trail.
3. The need for, location and design of,



- i. rest areas,
- ii. passing areas,
- iii. viewing areas,
- iv. amenities on the trail, and
- v. any other pertinent feature.

(2) Obligated organizations shall consult on the matters referred to in subsection (1) in the following manner:

1. Obligated organizations must consult with the public and persons with disabilities.
2. Municipalities must also consult with their municipal accessibility advisory committees, where one has been established in accordance with subsection 29 (1) or (2) of the Act.

### TECHNICAL REQUIREMENTS FOR RECREATIONAL TRAILS

#### Technical requirements for trails, general

**80.9** (1) Obligated organizations shall ensure that any recreational trails that they construct or redevelop, and that they intend to maintain, meet the following technical requirements:

1. A recreational trail must have a minimum clear width of 1,000 mm.
2. A recreational trail must have a clear height that provides a minimum head room clearance of 2,100 mm above the trail.
3. The surface of a recreational trail must be firm and stable.
4. Where a recreational trail has openings in its surface,
  - i. the openings must not allow passage of an object that has a diameter of more than 20 mm, and
  - ii. any elongated openings must be orientated approximately perpendicular to the direction of travel.
5. Where a recreational trail is constructed adjacent to water or a drop-off, the trail must have edge protection that meets the following requirements:
  - i. The edge protection must constitute an elevated barrier that runs along the edge of the recreational trail in order to prevent users of the trail from slipping over the edge.
  - ii. The top of the edge protection must be at least 50 mm above the trail surface.
  - iii. The edge protection must be designed so as not to impede the drainage of the trail surface.
6. Despite paragraph 5, where there is a protective barrier that runs along the edge of a recreational trail that is adjacent to water or a drop-off, edge protection does not have to be provided.
7. The entrance to a recreational trail must provide a clear opening of between 850 mm and 1,000 mm, whether the entrance includes a gate, bollard or other entrance design.
8. A recreational trail must have at each trail head signage that provides the following information:
  - i. The length of the trail.
  - ii. The type of surface of which the trail is constructed.

- iii. The average and the minimum trail width.
- iv. The average and maximum running slope and cross slope.
- v. The location of amenities, where provided.

(2) The signage referred to in paragraph 8 of subsection (1) must have text that,

- (a) has high tonal contrast with its background in order to assist with visual recognition; and
- (b) includes characters that use a sans serif font.

(3) Where other media, such as park websites or brochures, are used by the obligated organization to provide information about the recreational trail, beyond advertising, notice or promotion, the media must provide the same information as listed in paragraph 8 of subsection (1).

### TECHNICAL REQUIREMENTS FOR BEACH ACCESS ROUTES

#### Technical requirements for beach access routes, general

**80.10** Obligated organizations shall ensure that beach access routes that they construct or redevelop, and that they intend to maintain, meet the following technical requirements:

1. A beach access route must have a minimum clear width of 1,000 mm.
2. A beach access route must have a clear height that provides a minimum head room clearance of 2,100 mm above the beach access route.
3. The surface of a beach access route must be firm and stable.
4. Where the surface area of a beach access route is constructed, that is where the surface area is not natural, the surface area must meet the following requirements:
  - i. The maximum cross slope of the beach access route must be no more than 1:50.
  - ii. The surface area must have a 1:2 bevel at changes in level between 6 mm and 13 mm.
  - iii. The surface area must have a maximum running slope of 1:10 at changes in level between 14 mm and 200 mm.
  - iv. The surface area must have a ramp that meets the requirements of section 80.13 where there are changes in level greater than 200 mm.
  - v. Any openings in the surface of the beach access route must not allow passage of an object with a diameter of more than 20 mm.
  - vi. Any elongated openings in the beach access route must be oriented approximately perpendicular to the direction of travel.
5. The maximum cross slope of a beach access route where the surface is not constructed must be the minimum slope required for drainage.
6. The maximum running slope of a beach access route is 1:10.
7. The entrance to a beach access route must have a minimum clear opening of 1,000 mm, whether the entrance includes a gate, bollard or other entrance design.

## TECHNICAL REQUIREMENTS COMMON TO RECREATIONAL TRAILS AND BEACH ACCESS ROUTES

### Common technical requirements, general

**80.11** Obligated organizations shall ensure that where they construct or redevelop recreational trails and beach access routes that they intend to maintain, the recreational trails and beach access routes meet the technical requirements set out in this Part in respect of boardwalks and ramps.

### Boardwalks

**80.12** Where a recreational trail or beach access route is equipped with a boardwalk, the boardwalk must meet the following requirements:

1. The boardwalk must have a minimum clear width of 1,000 mm.
2. The boardwalk must have a clear height that provides a minimum headroom clearance of 2,100 mm above the boardwalk.
3. The surface of the boardwalk must be firm and stable.
4. The boardwalk must not have any openings in the surface that allow the passage of an object that has a diameter of more than 20 mm.
5. The boardwalk must have edge protection that is at least 50 mm in height.
6. If a boardwalk has running slopes that are steeper than 1:20, the running slopes must meet the requirements for ramps set out in section 80.13.

### Ramps

**80.13** Where a recreational trail or beach access route is equipped with a ramp, the ramp must meet the following requirements:

1. The ramp must have a minimum clear width of 900 mm.
2. The ramp must have a clear height that provides a minimum headroom clearance of 2,100 mm above the ramp.
3. The surface of the ramp must be firm and stable.
4. The ramp must have a maximum running slope of no more than 1:10.
5. The ramp must be provided with landings that meet the following requirements:
  - i. Landings must be provided,
    - A. at the top and bottom of the ramp,
    - B. where there is an abrupt change in the direction of the ramp, and
    - C. at horizontal intervals not greater than nine metres apart.
  - ii. Landings must be a minimum of 1,670 mm by 1,670 mm at the top and bottom of the ramp and where there is an abrupt change in direction of the ramp.
  - iii. Landings must be a minimum of 1,670 mm in length and at least the same width of the ramp for an in-line ramp.
  - iv. Landings must have a cross slope that is not steeper than 1:50.
6. The ramp must not have any openings in the surface that allow the passage of an object that has a diameter of more than 20 mm.
7. The ramp must be equipped with handrails on both sides of the ramp and the handrails must,



- i. be continuously graspable along their entire length and have circular cross-section with an outside diameter not less than 30 mm and not more than 40 mm, or any non-circular shape with a graspable portion that has a perimeter not less than 100 mm and not more than 155 mm and whose largest cross-sectional dimension is not more than 57 mm,
  - ii. be not less than 865 mm and not more than 965 mm high, measured vertically from the surface of the ramp, except that handrails not meeting these requirements are permitted if they are installed in addition to the required handrail,
  - iii. terminate in a manner that will not obstruct pedestrian travel or create a hazard,
  - iv. extend horizontally not less than 300 mm beyond the top and bottom of the ramp, and
  - v. be provided with a clearance of not less than 50 mm between the handrail and any wall to which it is attached.
8. Where a ramp is more than 2,200 mm in width,
- i. one or more intermediate handrails which are continuous between landings must be provided and located so that there is no more than 1,650 mm between handrails, and
  - ii. the handrails must meet the requirements set out in paragraph 7.
9. The ramp must have a wall or guard on both sides and where a guard is provided, it must,
- i. be not less than 1,070 mm measured vertically to the top of the guard from the ramp surface, and
  - ii. be designed so that no member, attachment or opening located between 140 mm and 900 mm above the ramp surface being protected by the guard will facilitate climbing.
10. The ramp must have edge protection that is provided,
- i. with a curb at least 50 mm high on any side of the ramp where no solid enclosure or solid *guard* is provided, or
  - ii. with railings or other barriers that extend to within 50 mm of the finished ramp surface.

## EXCEPTIONS TO THE REQUIREMENTS FOR RECREATIONAL TRAILS AND BEACH ACCESS ROUTES

### Exceptions, limitations

**80.14** Where an exception is permitted to a requirement that applies to a recreational trail or a beach access route, the exception applies solely,

- (a) to the particular requirement for which the exception is allowed and not to any other requirement that applies to the recreational trail or beach access route; and
- (b) to the portion of the recreational trail or beach access route for which it is claimed and not to the recreational trail or beach access route in its entirety.

### Exceptions, general

**80.15** Exceptions to the requirements that apply to recreational trails and beach access routes are permitted where obligated organizations can demonstrate one or more of the following:

- 1. The requirements, or some of them, would likely affect the cultural heritage value or interest of a property identified, designated or otherwise protected under the *Ontario Heritage Act* as being of cultural heritage value or interest.
- 2. The requirements, or some of them, would affect the preservation of places set apart as National Historic Sites of Canada by the Minister of the Environment for Canada under the *Canada National Parks Act* (Canada).

3. The requirements, or some of them, would affect the national historic interest or significance of historic places marked or commemorated under the *Historic Sites and Monuments Act* (Canada).
4. The requirements, or some of them, might damage, directly or indirectly, the cultural heritage or natural heritage on a property included in the United Nations Educational, Scientific and Cultural Organisation's World Heritage List of sites under the *Convention Concerning the Protection of the World Cultural and Natural Heritage*.
5. There is a significant risk that the requirements, or some of them, would adversely affect water, fish, wildlife, plants, invertebrates, species at risk, ecological integrity or natural heritage values, whether the adverse effects are direct or indirect.
6. It is not practicable to comply with the requirements, or some of them, because existing physical or site constraints prohibit modification or addition of elements, spaces or features, such as where surrounding rocks bordering the recreational trail or beach access route impede achieving the required clear width.

## OUTDOOR PUBLIC USE EATING AREAS

### Outdoor public use eating areas, application

**80.16** (1) The requirements in section 80.17 apply to newly constructed and redeveloped outdoor public use eating areas that an obligated organization, other than a small organization, intends to maintain and that fall within the description set out in subsection (2).

(2) The outdoor public use eating areas to which subsection (1) applies consist of tables that are found in public areas, such as in public parks, on hospital grounds and on university campuses and are specifically intended for use by the public as a place to consume food.

### Outdoor public use eating areas, general requirements

**80.17** Obligated organizations, other than small organizations, shall ensure that where they construct or redevelop outdoor public use eating areas that they intend to maintain, the outdoor public use eating areas meet the following requirements:

1. A minimum of 20 per cent of the tables that are provided must be accessible to persons using mobility aids by having knee and toe clearance underneath the table and in no case shall there be fewer than one table in an outdoor public use eating area that meets this requirement.
2. The ground surface leading to and under tables that are accessible to persons using mobility aids must be level, firm and stable.
3. Tables that are accessible to persons using mobility aids must have clear ground space around them that allows for a forward approach to the tables.

## OUTDOOR PLAY SPACES

### Outdoor play spaces, application

**80.18** (1) This Part applies to newly constructed and redeveloped outdoor play spaces that an obligated organization, other than a small organization, intends to maintain and that fall within the description set out in subsection (2).

(2) The outdoor play spaces to which subsection (1) applies consist of an area that includes play equipment, such as swings, or features such as logs, rocks, sand or water, where the equipment or features are designed and placed to provide play opportunities and experiences for children and caregivers.

### Outdoor play spaces, consultation requirements

**80.19** When constructing new or redeveloping existing outdoor play spaces, obligated organizations, other than small organizations, shall consult on the needs of children and caregivers with various disabilities and shall do so in the following manner:

1. The Government of Ontario, the Legislative Assembly, designated public sector organizations and large organizations must consult with the public and persons with disabilities.
2. Municipalities must also consult with their municipal accessibility advisory committees, where one has been established in accordance with subsection 29 (1) or (2) of the Act.

**Outdoor play spaces, accessibility in design**

**80.20** When constructing new or redeveloping existing play spaces that they intend to maintain, obligated organizations, other than small organizations, shall,

- (a) incorporate accessibility features, such as sensory and active play components, for children and caregivers with various disabilities into the design of outdoor play spaces; and
- (b) ensure that outdoor play spaces have a ground surface that is firm, stable and has impact attenuating properties for injury prevention and sufficient clearance to provide children and caregivers with various disabilities the ability to move through, in and around the outdoor play space.

**EXTERIOR PATHS OF TRAVEL****Exterior paths of travel, application**

**80.21** (1) This Part applies to newly constructed and redeveloped exterior paths of travel that are outdoor sidewalks or walkways designed and constructed for pedestrian travel and are intended to serve a functional purpose and not to provide a recreational experience.

(2) This Part does not apply to paths of travel regulated under Ontario Regulation 350/06 (Building Code) made under the *Building Code Act, 1992*.

**Exterior paths of travel, general obligation**

**80.22** Obligated organizations, other than small organizations, shall ensure that any exterior paths of travel that they construct or redevelop and intend to maintain meet the requirements set out in this Part.

**Exterior paths of travel, technical requirements**

**80.23** When constructing new or redeveloping existing exterior paths of travel that they intend to maintain, obligated organizations, other than small organizations, shall ensure that new and redeveloped exterior paths of travel meet the following requirements:

1. The exterior path must have a minimum clear width of 1,500 mm, but this clear width can be reduced to 1,200 mm to serve as a turning space where the exterior path connects with a curb ramp.
2. Where the head room clearance is less than 2,100 mm over a portion of the exterior path, a rail or other barrier with a leading edge that is cane detectable must be provided around the object that is obstructing the head room clearance.
3. The surface must be firm and stable.
4. The surface must be slip resistant.
5. Where an exterior path has openings in its surface,
  - i. the openings must not allow passage of an object that has a diameter of more than 20 mm, and
  - ii. any elongated openings must be oriented approximately perpendicular to the direction of travel.
6. The maximum running slope of the exterior path must be no more than 1:20, but where the exterior path is a sidewalk, it can have a slope of greater than 1:20, but it cannot be steeper than the slope of the adjacent roadway.
7. The maximum cross slope of the exterior path must be no more than 1:20, where the surface is asphalt, concrete or some other hard surface, or no more than 1:10 in all other cases.
8. The exterior path must meet the following requirements:
  - i. It must have a 1:2 bevel at changes in level between 6 mm and 13 mm.
  - ii. It must have a maximum running slope of 1:8 or a curb ramp that meets the requirement of section 80.26 at changes in level of greater than 13 mm and less than 75 mm.



- iii. It must have a maximum running slope of 1:10 or a curb ramp that meets the requirement of section 80.26 at changes in level of 75 mm or greater and 200 mm or less.
- iv. It must have a ramp that meets the requirements of section 80.24 at changes in level of greater than 200 mm.

- 9. The entrance to the exterior path of travel must provide a minimum clear opening of 850 mm, whether the entrance includes a gate, bollard or other entrance design.

#### **Exterior paths of travel, ramps**

**80.24** (1) Where an exterior path of travel is equipped with a ramp, the ramp must meet the following requirements:

- 1. The ramp must have a minimum clear width of 900 mm.
- 2. The surface of the ramp must be firm and stable.
- 3. The surface of the ramp must be slip resistant.
- 4. The ramp must have a maximum running slope of no more than 1:15.
- 5. The ramp must be provided with landings that meet the following requirements:
  - i. Landings must be provided,
    - A. at the top and bottom of the ramp,
    - B. where there is an abrupt change in direction of the ramp, and
    - C. at horizontal intervals not greater than nine metres apart.
  - ii. Landings must be a minimum of 1,670 mm by 1,670 mm at the top and bottom of the ramp and where there is an abrupt change in direction of the ramp.
  - iii. Landings must be a minimum of 1,670 mm in length and at least the same width of the ramp for an in-line ramp.
  - iv. Landings must have a cross slope that is not steeper than 1:50.
- 6. Where a ramp has openings in its surface,
  - i. the openings must not allow passage of an object that has a diameter of more than 20 mm, and
  - ii. any elongated openings must be oriented approximately perpendicular to the direction of travel.
- 7. A ramp must be equipped with handrails on both sides of the ramp and the handrails must,
  - i. be continuously graspable along their entire length and have circular cross-section with an outside diameter not less than 30 mm and not more than 40 mm, or any non-circular shape with a graspable portion that has a perimeter not less than 100 mm and not more than 155 mm and whose largest cross-sectional dimension is not more than 57 mm,
  - ii. be not less than 865 mm and not more than 965 mm high, measured vertically from the surface of the ramp, except that handrails not meeting these requirements are permitted provided they are installed in addition to the required handrail,
  - iii. terminate in a manner that will not obstruct pedestrian travel or create a hazard,
  - iv. extend horizontally not less than 300 mm beyond the top and bottom of the ramp,

- v. be provided with a clearance of not less than 50 mm between the handrail and any wall to which it is attached, and
  - vi. be designed and constructed such that handrails and their supports will withstand the loading values obtained from the non-concurrent application of a concentrated load not less than 0.9 kN applied at any point and in any direction for all handrails and a uniform load not less than 0.7 kN/metre applied in any direction to the handrail.
8. Where the ramp is more than 2,200 mm in width,
- i. one or more intermediate handrails which are continuous between landings shall be provided and located so that there is no more than 1,650 mm between handrails, and
  - ii. the handrails must meet the requirements set out in paragraph 7.
9. The ramp must have a wall or guard on both sides and where a guard is provided, it must,
- i. be not less than 1,070 mm measured vertically to the top of the guard from the ramp surface, and
  - ii. be designed so that no member, attachment or opening located between 140 mm and 900 mm above the ramp surface being protected by the guard will facilitate climbing.
10. The ramp must have edge protection that is provided,
- i. with a curb at least 50 mm high on any side of the ramp where no solid enclosure or solid guard is provided, or
  - ii. with railings or other barriers that extend to within 50 mm of the finished ramp surface.

(2) In this section,

“kN” means kilonewtons.

**Exterior paths of travel, stairs**

**80.25** Where stairs connect to exterior paths of travel, the stairs must meet the following requirements:

1. The surface of the treads must have a finish that is slip resistant.
2. Stairs must have uniform risers and runs in any one flight.
3. The rise between successive treads must be between 125 mm and 180 mm.
4. The run between successive steps must be between 280 mm and 355 mm.
5. Stairs must have closed risers.
6. The maximum nosing projection on a tread must be no more than 38 mm, with no abrupt undersides.
7. Stairs must have high tonal contrast markings that extend the full tread width of the leading edge of each step.
8. Stairs must be equipped with tactile walking surface indicators that are built in or applied to the walking surface, and the tactile walking surface indicators must,
  - i. have raised tactile profiles,
  - ii. have a high tonal contrast with the adjacent surface,
  - iii. be located at the top of all flights of stairs, and
  - iv. extend the full tread width to a minimum depth of 610 mm commencing one tread depth from the edge of the stair.

9. Handrails must be included on both sides of stairs and must satisfy the requirements set out in paragraph 7 of subsection 80.24 (1).
10. A guard must be provided that is not less than 920 mm, measured vertically to the top of the guard from a line drawn through the outside edges of the stair nosings and 1,070 mm around the landings and is required on each side of a stairway where the difference in elevation between ground level and the top of the stair is more than 600 mm but, where there is a wall, a guard is not required on that side.
11. Where stairs are more than 2,200 mm in width,
- i. one or more intermediate handrails that are continuous between landings must be provided and located so there is no more than 1,650 mm between handrails, and
  - ii. the handrails must satisfy the requirements set out in paragraph 7 of subsection 80.24 (1).

**Exterior paths of travel, curb ramps**

**80.26** (1) Where a curb ramp is provided on an exterior path of travel, the curb ramp must align with the direction of travel and meet the following requirements:

1. The curb ramp must have a minimum clear width of 1,200 mm, exclusive of any flared sides.
2. The running slope of the curb ramp must,
  - i. be a maximum of 1:8, where elevation is less than 75 mm, and
  - ii. be a maximum of 1:10, where elevation is 75 mm or greater and 200 mm or less.
3. The maximum cross slope of the curb ramp must be no more than 1:50.
4. The maximum slope on the flared side of the curb ramp must be no more than 1:10.
5. Where the curb ramp is provided at a pedestrian crossing, it must have tactile walking surface indicators that,
  - i. have raised tactile profiles,
  - ii. have a high tonal contrast with the adjacent surface,
  - iii. are located at the bottom of the curb ramp,
  - iv. are set back between 150 mm and 200 mm from the curb edge,
  - v. extend the full width of the curb ramp, and
  - vi. are a minimum of 610 mm in depth.

(2) In this section,

“curb ramp” means a ramp that is cut through a curb or that is built up to a curb.

**Exterior paths of travel, depressed curbs**

**80.27** (1) Where a depressed curb is provided on an exterior path of travel, the depressed curb must meet the following requirements:

1. The depressed curb must have a maximum running slope of 1:20.
2. The depressed curb must be aligned with the direction of travel.
3. Where the depressed curb is provided at a pedestrian crossing, it must have tactile walking surface indicators that,



- i. have raised tactile profiles,
- ii. have high tonal contrast with the adjacent surface,
- iii. are located at the bottom portion of the depressed curb that is flush with the roadway,
- iv. are set back between 150 mm and 200 mm from the curb edge, and
- v. are a minimum of 610 mm in depth.

(2) In this section,

“depressed curb” means a seamless gradual slope at transitions between sidewalks and walkways and highways, and is usually found at intersections.

**Exterior paths of travel, accessible pedestrian signals**

**80.28** (1) Where new pedestrian signals are being installed or existing pedestrian signals are being replaced at a pedestrian crossover, they must be accessible pedestrian signals.

(2) Accessible pedestrian signals must meet the following requirements:

- 1. They must have a locator tone that is distinct from a walk indicator tone.
- 2. They must be installed within 1,500 mm of the edge of the curb.
- 3. They must be mounted at a maximum of 1,100 mm above ground level.
- 4. They must have tactile arrows that align with the direction of crossing.
- 5. They must include both manual and automatic activation features.
- 6. They must include both audible and vibro-tactile walk indicators.

(3) Where two accessible pedestrian signal assemblies are installed on the same corner, they must be a minimum of 3,000 mm apart.

(4) Where the requirements in subsection (3) cannot be met because of site constraints or existing infrastructure, two accessible pedestrian signal assemblies can be installed on a single post, and when this occurs, a verbal announcement must clearly state which crossing is active.

(5) In this section,

“pedestrian crossover” means a pedestrian crossover as defined in subsection 1 (1) of the *Highway Traffic Act*.

**Exterior paths of travel, rest areas**

**80.29** When constructing new or redeveloping existing exterior paths of travel that they intend to maintain, obligated organizations, other than small organizations, shall consult on the design and placement of rest areas along the exterior path of travel and shall do so in the following manner:

- 1. The Government of Ontario, the Legislative Assembly, designated public sector organizations and large organizations must consult with the public and persons with disabilities.
- 2. Municipalities must also consult with their municipal accessibility advisory committees, where one has been established in accordance with subsection 29 (1) or (2) of the Act.

**Exceptions, limitations**

**80.30** Where an exception is permitted to a requirement for an exterior path of travel, the exception applies solely,

- (a) to the particular requirement for which the exception is allowed and not to any other requirement that applies to the exterior path; and
- (b) to the portion of the exterior path for which it is claimed and not to the exterior path in its entirety.

#### Exceptions, general

**80.31** Exceptions to the requirements that apply to exterior paths of travel are permitted where obligated organizations, other than small organizations, can demonstrate one or more of the following:

1. The requirements, or some of them, would likely affect the cultural heritage value or interest of a property identified, designated or otherwise protected under the *Ontario Heritage Act* as being of cultural heritage value or interest.
2. The requirements, or some of them, would affect the preservation of places set apart as National Historic Sites of Canada by the Minister of the Environment for Canada under the *Canada National Parks Act* (Canada).
3. The requirements, or some of them, would affect the national historic interest or significance of historic places marked or commemorated under the *Historic Sites and Monuments Act* (Canada).
4. The requirements, or some of them, might damage, directly or indirectly, the cultural heritage or natural heritage on a property included in the United Nations Educational, Scientific and Cultural Organisation's World Heritage List of sites under the *Convention Concerning the Protection of the World Cultural and Natural Heritage*.
5. There is a significant risk that the requirements, or some of them, would adversely affect water, fish, wildlife, plants, invertebrates, species at risk, ecological integrity or natural heritage values, whether the adverse effects are direct or indirect.
6. It is not practicable to comply with the requirements, or some of them, because existing physical or site constraints prohibit modification or addition of elements, spaces or features, such as where increasing the width of the exterior path would narrow the width of the adjacent highway or locating an accessible pedestrian signal pole within 1,500 mm of the curb edge is not feasible because of existing underground utilities.

## ACCESSIBLE PARKING

#### Application, off-street parking

**80.32** Obligated organizations shall ensure that when constructing new or redeveloping off-street parking facilities that they intend to maintain, the off-street parking facilities meet the requirements set out in this Part.

#### Exceptions

**80.33** (1) The requirements in respect of off-street parking facilities do not apply to off-street parking facilities that are used exclusively for one of the following:

1. Parking for buses.
2. Parking for delivery vehicles.
3. Parking for law enforcement vehicles.
4. Parking for medical transportation vehicles, such as ambulances.
5. Parking used as a parking lot for impounded vehicles.

(2) The requirements in respect of off-street parking facilities do not apply to off-street parking facilities if,

- (a) the off-street parking facilities are not located on a barrier-free path of travel, regulated under Ontario Regulation 350/06 (Building Code) made under the *Building Code Act, 1992*; and
- (b) the obligated organization has multiple off-street parking facilities on a single site that serve a building or facility.

#### Types of accessible parking spaces

**80.34** Off-street parking facilities must provide the following two types of parking spaces for the use of persons with disabilities:

1. Type A, a wider parking space which has a minimum width of 3,400 mm and signage that identifies the space as “van accessible”.
2. Type B, a standard parking space which has a minimum width of 2,400 mm.

**Access aisles**

**80.35** (1) Access aisles, that is the space between parking spaces that allows persons with disabilities to get in and out of their vehicles, must be provided for all parking spaces for the use of persons with disabilities in off-street parking facilities.

(2) Access aisles may be shared by two parking spaces for the use of persons with disabilities in an off-street parking facility and must meet the following requirements:

1. They must have a minimum width of 1,500 mm.
2. They must extend the full length of the parking space.
3. They must be marked with high tonal contrast diagonal lines, which discourages parking in them, where the surface is asphalt, concrete or some other hard surface.

**Minimum number and type of accessible parking spaces**

**80.36** (1) Off-street parking facilities must have a minimum number of parking spaces for the use of persons with disabilities, in accordance with the following requirements:

1. One parking space for the use of persons with disabilities, which meets the requirements of a Type A parking space, where there are 12 parking spaces or fewer.
2. Four per cent of the total number of parking spaces for the use of persons with disabilities, where there are between 13 and 100 parking spaces in accordance with the following ratio, rounding up to the nearest whole number:
  - i. Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.
  - ii. Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.
3. One parking space for the use of persons with disabilities and an additional three per cent of parking spaces for the use of persons with disabilities, where there are between 101 and 200 parking spaces must be parking spaces for the use of persons with disabilities, calculated in accordance with ratios set out in subparagraphs 2 i and ii, rounding up to the nearest whole number.
4. Two parking spaces for the use of persons with disabilities and an additional two per cent of parking spaces for the use of persons with disabilities, where there are between 201 and 1,000 parking spaces must be parking spaces for the use of persons with disabilities in accordance with the ratio in subparagraphs 2 i and ii, rounding up to the nearest whole number.
5. Eleven parking spaces for the use of persons with disabilities and an additional one per cent of parking spaces for the use of persons with disabilities, where more than 1,000 parking spaces are provided must be parking spaces for the use of persons with disabilities in accordance with the ratio in subparagraphs 2 i and ii, rounding up to the nearest whole number.

(2) If an obligated organization provides more than one off-street parking facility at a site, the obligated organization shall calculate the number and type of parking spaces for the use of persons with disabilities according to the number and type of parking spaces required for each off-street parking facility.



(3) In determining the location of parking spaces for the use of persons with disabilities that must be provided where there is more than one off-street parking facility at a site, an obligated organization may distribute them among the off-street parking facilities in a manner that provides substantially equivalent or greater accessibility in terms of distance from an accessible entrance or user convenience.

(4) For the purposes of subsection (3), the following factors may be considered in determining user convenience:

1. Protection from the weather.
2. Security.
3. Lighting.
4. Comparative maintenance.

#### **Signage**

**80.37** Obligated organizations shall ensure that parking spaces for the use of persons with disabilities as required under section 80.36 are distinctly indicated by erecting an accessible permit parking sign in accordance with section 11 of Regulation 581 of the Revised Regulations of Ontario, 1990 (Accessible Parking for Persons with Disabilities) made under the *Highway Traffic Act*.

#### **Exception**

**80.38** (1) An exception to the required minimum number of parking spaces for the use of persons with disabilities is permitted where an obligated organization can demonstrate that it is not practicable to comply with the requirement because existing physical or site constraints prevent it from meeting the required ratio, such as where the minimum width for parking spaces for persons with disabilities or access aisles cannot be met because of existing pay and display parking meters, surrounding curb edges, walkways, landscaping or the need to maintain a minimum drive aisle width.

(2) Where an obligated organization claims an exception to the minimum number of parking spaces for the use of persons with disabilities, it shall provide as close to as many parking spaces for the use of persons with disabilities that meet the requirements of this Part, as would otherwise be required under subsection 80.36 (1) or (2), as the case may be, that can be accommodated by the existing site and,

- (a) where that number is an even number, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space; and
- (b) where that number is an odd number, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.

#### **On-street parking spaces**

**80.39** (1) When constructing or redeveloping existing on-street parking spaces, designated public sector organizations shall consult on the need, location and design of accessible on-street parking spaces and shall do so in the following manner:

1. Designated public sector organizations must consult with the public and persons with disabilities.
2. Municipalities must also consult with their municipal accessibility advisory committees, where one has been established in accordance with subsection 29 (1) or (2) of the Act.

(2) In this section and despite section 2,

“designated public sector organization” means every municipality and every person or organization described in Schedule 1 to this Regulation, but not persons or organizations listed in Column 1 of Table 1 to Ontario Regulation 146/10 (Public Bodies and Commission Public Bodies — Definitions) made under the *Public Service of Ontario Act, 2006*.

## OBTAINING SERVICES

### Application

**80.40** (1) Obligated organizations shall meet the requirements set out in this Part in respect of the following:

1. All newly constructed service counters and fixed queuing guides.
2. All newly constructed or redeveloped waiting areas.

(2) For the purposes of this Part, requirements for obtaining services in respect of service counters, fixed queuing guides and waiting areas apply whether the services are obtained in buildings or out-of-doors.

### Service counters

**80.41** (1) When constructing new service counters, which includes replacing existing service counters, the following requirements must be met:

1. There must be at a minimum one service counter that accommodates a mobility aid for each type of service provided and the accessible service counter must be clearly identified with signage, where there are multiple queuing lines and service counters.
2. Each service counter must accommodate a mobility aid, where a single queuing line serves a single or multiple counters.

(2) The service counter that accommodates mobility aids must meet the following requirements:

1. The countertop height must be such that it is usable by a person seated in a mobility aid.
2. There must be sufficient knee clearance for a person seated in a mobility aid, where a forward approach to the counter is required.
3. The floor space in front of the counter must be sufficiently clear so as to accommodate a mobility aid.

### Fixed queuing guides

**80.42** When constructing new fixed queuing guides, the following requirements must be met:

1. The fixed queuing guides must provide sufficient width to allow for the passage of mobility aids and mobility assistive devices.
2. The fixed queuing guides must have sufficiently clear floor area to permit mobility aids to turn where queuing lines change direction.
3. The fixed queuing guides must be cane detectable.

### Waiting areas

**80.43** (1) When constructing a new waiting area or redeveloping an existing waiting area, where the seating is fixed to the floor, a minimum of three per cent of the new seating must be accessible, but in no case shall there be fewer than one accessible seating space.

(2) For the purposes of this section, accessible seating is a space in the seating area where an individual using a mobility aid can wait.

## MAINTENANCE

### Maintenance of accessible elements

**80.44** In addition to the accessibility plan requirements set out in section 4, obligated organizations, other than small organizations, shall ensure that their multi-year accessibility plans include the following:

1. Procedures for preventative and emergency maintenance of the accessible elements in public spaces as required under this Part.
2. Procedures for dealing with temporary disruptions when accessible elements required under this Part are not in working order.

**7. The Regulation is amended by adding the following section:**

**Accessibility reports**

**86.1** (1) Subject to subsections 33 (3) and (5) of the Act, organizations shall file the accessibility report required under subsection 14 (1) of the Act with a director according to the following schedule:

1. Annually, in the case of the Government of Ontario and the Legislative Assembly.
2. Every two years, in the case of designated public sector organizations.
3. Every three years, in the case of large organizations.

(2) The reporting schedule referred to in subsection (1) begins to apply as of January 1, 2013, with the first report being due,

- (a) as of December 31, 2013, in the case of the Government of Ontario and the Legislative Assembly;
- (b) as of December 31, 2013, in the case of designated public sector organizations; and
- (c) as of December 31, 2014, in the case of large organizations.

**Commencement**

**8. This Regulation comes into force on the later of January 1, 2013 and the day it is filed.**

*Français*

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

**BY-LAW NO. 2024-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, Table 7 within Part 3 – *General Provisions*, Subsection 3.12.6 – *Off-Street Motor Vehicle Parking Facility Requirements*, is hereby amended by deleting **Table 7: Required Barrier-Free Parking Facilities** and replacing with the following **Table 7: Required Barrier-Free Parking Facilities**:

Table 7: Required Barrier-Free Parking Facilities

Total Number of Parking Spaces on the Lot	Minimum Number of Barrier-Free Parking Spaces		
	Type A	Type A or B	Total
0 to 12 parking spaces	1	-	1
13 to 100 parking spaces	4% of the total number of parking spaces <sup>(1)</sup> , of which, 50% shall be Type A and 50% shall be Type B <sup>(2)</sup>		
101 to 200 parking spaces	1 space plus 3% of the total number of parking spaces, of which, 50% shall be Type A and 50% shall be Type B <sup>(2)</sup>		
201 to 1000 parking spaces	2 spaces plus 2% of the total number of parking spaces, of which, 50% shall be Type A and 50% shall be Type B <sup>(2)</sup>		
1001 or more parking spaces	11 spaces plus 1% of the total number of parking spaces, of which, 50% shall be Type A and 50% shall be Type B <sup>(2)</sup>		

<sup>(1)</sup> Where the minimum number of required Accessible Parking Spaces results in one (1) Accessible Parking Space being required, the parking space shall be a Type A parking space.

<sup>(2)</sup> Where the minimum number of required Accessible Parking Spaces results in an odd number of Accessible Parking Spaces being required, the additional space may be a Type B parking space.

2. THAT, all other provisions of By-law 2017-70 continue to apply.
3. 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.
4. 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 26<sup>th</sup> DAY OF FEBRUARY, 2024.**



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**MAYOR CHERYL GANANN**

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**NANCY FIORENTINO, CLERK**

**EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-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.

A Public Meeting was held on February 12, 2024 and XX members of the public provided oral comments. No other public comments were received.

File: 1601-001-24  
Township of West Lincoln

**DATE:** February 12, 2024

**REPORT NO:** PD-08-2024

**SUBJECT:** **Application for Zoning By-law Amendment for 1738 Caistor-Gainsborough Townline Road**

**CONTACT:** Stephanie Pouliot, Planner

**OVERVIEW:**

- Planning Staff are bringing this Recommendation Report at the same time as the Public Meeting due to the straight forward nature of the application. The application for consent was heard previously by the Committee of Adjustment and no comments have been brought forward by members of the public on this application at the time of writing this report.
- An application for rezoning was submitted by Brad Snippe for the property legally described as Concession 5, Part Lot 1 30R8445 PART 1, in the former Township of Caistor, now in the Township of West Lincoln, municipally known as 1738 Caistor Gainsborough Townline Road (please see Survey Sketch found in Attachment 1).
- This application for rezoning is required as a condition of consent for a Surplus Farm Dwelling Severance application B05/2023WL, that was conditionally approved by the Township of West Lincoln's Committee of Adjustment on August 30<sup>th</sup>, 2023. Please see Report [COA-015-23](#).
- The conditional Surplus Farm Dwelling Severance severed a dwelling with 0.51 hectares (1.26 acres) of land (Parcel 1 on the attached sketch) from the remnant farmland, (Parcel 2), being 18.5 hectares (45.7 acres). As a condition of the consent, the severed portion will be rezoned from an Agricultural 'A' zone to a Rural Residential 'RuR-232' with site specific provisions recognizing three zoning deficiencies, including a deficient front yard setback for the existing dwelling, maximum lot coverage for all accessory buildings and structures on the lot, and an existing accessory building that exceeds the maximum ground floor area for an 'RuR' zone.
- This application proposes to rezone the retained lands from an Agricultural 'A' zone to an Agricultural Purposes Only 'APO-233' zone, with a site specific provision to recognize the deficient lot area. The APO zoning will restrict future residential use and is required by Provincial Policy.
- The existing environmental zones on the retained parcel will be maintained.
- From the date of complete application, being January 12, 2024, 90 days would result in a decision having to be made by April 12, 2024 to avoid fee refund.

**RECOMMENDATION:**

1. That, Recommendation Report PD-08-2024, regarding “Application for Zoning By-law Amendment for 1738 Caistor-Gainsborough Townline Road”, dated February 12, 2024, be received; and,
2. That, the application for Zoning By-law Amendment submitted by Brad Snippe owner of 1738 Caistor-Gainsborough Townline Road be approved in accordance with the attached Zoning By-law Amendment with the site-specific regulations, and that Council authorize the Mayor and Clerk to sign the necessary by-laws; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the Planning Act.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #2 & #3**

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

**BACKGROUND:**

An application for a Zoning By-law Amendment has been submitted by Brad Snippe for the property legally described as Concession 5, Part Lot 1 30R8445 PART 1, being Parcel 1 and 2 shown on Consent Sketch, in the former Township of Caistor, now in the Township of West Lincoln, municipally known as 1738 Caistor Gainsborough Townline Road (please see Survey Sketch found in Attachment 1).

This application for rezoning has been submitted to fulfil a condition of consent for the surplus farm dwelling severance application B05/2023WL, that was conditionally granted approval by the Committee of Adjustment on August 30<sup>th</sup>, 2023. Please refer to Committee of Adjustment Report [COA-015-23](#) for more information.

The Zoning By-law Amendment proposes to rezone the severed parcel (Parcel 1 –0.51 hectares (1.26 acres) from an Agricultural Zone ‘A’ to a Rural Residential ‘RuR-232’ with a site specific provision to recognize three resulting zoning deficiencies from the related consent application (B05/2023WL):

- A front yard setback of 14 metres for the existing dwelling whereas, Table 14 found in Part 6 of the Township’s Zoning Bylaw 2017-70, as amended, identifies 15 metres as the minimum front yard setback within an ‘RuR’ zone.
- Maximum lot coverage of 220 square metres for all accessory buildings and structures on the lot whereas, Table 1-2 found in Part 3 of the Township’s Zoning Bylaw 2017-70, as amended, identifies a maximum of 200 square metres or 8 percent of the lot area.
- Maximum ground floor area of 195 square metres for an existing accessory building in an ‘RuR’ zone whereas, Table 1-2 found in Part 3 of the Township’s Zoning Bylaw 2017-70, as amended, identifies 120 square metres as the maximum floor area permitted.

This rezoning application proposes to rezone Parcel 2 (retained lands) from an Agricultural ‘A’ zone to an Agricultural Purposes Only ‘APO-233’ zone, with a site specific provision to



recognize the deficient lot area. The remnant farmland will be 18.5 hectares (45.7 acres) in size, which is deficient of the minimum lot area requirement for an APO lot which the Township's Zoning Bylaw identifies as 39 hectares (96.37 acres). The remnant farmland (Parcel 2) will continue to be used for ongoing agricultural use and the 'APO' zoning will restrict future residential uses and is required under Provincial Policy.

The existing environmental zoning will be maintained on Parcel 2 (retained lands).

### **CURRENT SITUATION:**

Township Staff have reviewed the application to determine alignment with the relevant Provincial, Regional and Local policies. A full planning review of the consent application can be found in the Committee of Adjustment Report [COA-015-23](#).

### **Provincial Policy Statement –2020 / A Place to Grow, Growth Plan for the Greater Golden Horseshoe – 2020 Consolidated**

The *Provincial Policy Statement (PPS)* provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. Section 2.3.4 *Lot Creation and Lot Adjustments* is applicable for this application. In accordance with Policy 2.3.4.1(c) of the PPS, lot creation in *prime agricultural areas* may be permitted for a residence surplus to a farming operation if they meet a number of criteria outlined in the PPS, including but not limited to the new lot being limited in size to accommodate appropriate sewage and water services, protecting the natural and built environment and prohibiting new residential dwellings on any remnant parcel of farmland created by the severance. This rezoning application is to meet the provincial requirement to prohibit new residential dwellings on the remnant farmland.

The *Place to Grow Plan* provides a framework for managing growth within the region by incorporating key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Section 4.2.6 *Agricultural Systems* applies for this application. Specifically, Policy 4.2.6(5) notes the retention of existing lots of record for agricultural uses is encouraged and the use of these lots for non-agricultural uses is discouraged which is the case as the remnant farmland, Parcel 2 –18.5 hectares (45.7 acres) will be retained for continuous agricultural purposes and zoned accordingly to restrict future residential development on the lands.

Parcel 2 (Retained lands) will be zoned appropriately to Agricultural Purposes Only (APO) while keeping the existing Environmental Conservation 'EC' and Environmental Protection 'EP' zones in place on the lands. The size of the new residential lot (Parcel 1- Severed lands) is limited in size to accommodate existing private services and provide adequate space if a replacement system is required in the future. Therefore, Planning Staff consider this application consistent with the intent and objectives of Provincial policies outlined in the *PPS* and *A Place to Grow*.

### **Greenbelt Plan**

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the subject lands are outside of the identified Greenbelt Plan, the PPS is the Provincial policy that applies for this application.

### **Niagara Official Plan**

The Niagara Official Plan (NOP) provides long-term strategic policy planning and framework for managing the anticipated growth for the Niagara Region. The subject lands are located within the *Prime Agricultural Area* and Section 4 of the NOP provides the objectives for *The Agricultural System* which is facilitating a strong, diverse, and resilient agricultural economy and protecting the Region's agricultural land base. The intent is also ensuring long term sustainability of the agricultural system and provide a limited amount of non-agricultural (residential development) on rural lands.

As per Policy 4.1.1.2, the lands within *The Agricultural System* shall be protected for long-term agricultural use which is the case with this application as Parcel 2 (Retained lands) will be preserved with the appropriate zoning to Agricultural Purposes Only 'APO' and the remnant farmland will have 18.5 hectares (45.7 acres) which still provides an adequate lot size to support long-term agricultural flexibility and use on the lands.

In addition, lot creation is permitted as per Policy 4.1.6.2(a) where a residence is surplus to a farming operation with a habitable residence which existed as of June 2006. According to MPAC (Municipal Property Assessment Corporation), the existing dwelling was built in 1925 therefore in alignment with the NOP.

Furthermore, the NOP notes that the retained farmland parcel be zoned to preclude its use for residential purposes as per Policy 4.1.6.2(c). The remnant farmland would be rezoned to Agricultural Purposes Only through this application, which will restrict future residential use and purposes on the lands.

For these reasons, Planning Staff considered this application to amend the zoning on the subject lands to be consistent and aligned with the Niagara Official Plan (NOP).

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

The subject lands are designated as *Good General Agricultural lands* and *Natural Heritage System (Environmental Protection Area and Environmental Conservation Area)* within the Township's Official Plan (OP). The purpose of the Township's *Good General Agricultural* designation is to ensure that these areas are protected and preserved for long term Agricultural purposes.

The Township's Official Plan (OP) permits consents for agricultural purposes and only allows non-farm rural residential lots as part of a Surplus Farm Dwelling Severance which are subject to the regulations found in Section 18.13. The application meets the required criteria including respect for long term agricultural flexibility in West Lincoln.

As outlined in the associated Committee of Adjustment Report ([COA-015-23](#)), the application has been reviewed and meets the required OP Policy. As a condition of the severance, the Applicant is required to zone the remnant farmland to Agricultural Purposes Only 'APO' in alignment with Policy 18.13.2g(viii) of the Township's OP. The remnant farmland will also be greater than 10 hectares which further maintains the intent of Section 18.13 of the Township's OP to preserve the lands for continuous

agricultural use and restrict future residential development on the lot.

Furthermore, the purpose of the Township’s *Natural Heritage System* is maintaining and restoring, and where possible enhancing the long term ecological health and integrity of the areas within the system. As previously noted, the *Environmental Conservation area* and *Environmental Protection area* will be maintained on Parcel 2 (Retained lands) and zoned accordingly in alignment with Section 10 of the Township’s OP.

A portion of the subject lands, along the south property line is located within the area designated for Potential Petroleum resources. The purpose of these areas as outlined by Section 15.2.2 of the Township’s OP are to ensure that abandoned wells are properly remediated and capped to reduce potential groundwater contamination and hazards. As such, the previous consent application (B05/2023WL) included a condition of approval, that any unused wells be decommissioned to the satisfaction of the Director of Planning and Building.

For these reasons, Planning Staff consider this application for amendment to be consistent with the Township’s policies and in alignment with the Township’s OP.

**Township of West Lincoln Zoning By-law 2017-70, as amended (ZBL)**

The subject property is currently zoned Agricultural ‘A’, Environmental Conservation ‘EC’, and Environmental Protection ‘EP’. As a condition of the related consent application (B05/2023WL), the Applicants are to apply for and receive approval of a Zoning Bylaw Amendment application that recognizes the zoning deficiencies (see the below table) for Parcel 1 (Severed lands) and Parcel 2 (Retained lands).

Regulation	Required	Proposed
<b>Parcel 1 (Severed lands):</b> Front Yard Setback	<b>15 metres</b>	<b>14 metres</b>
Maximum Lot Coverage for All Accessory Buildings/Structures on Lot	<b>200 square metres</b>	<b>220 square metres</b>
Maximum ground floor area per building or structure	<b>120 square metres</b>	<b>195 square metres</b>
<b>Parcel 2 (Retained lands):</b> Minimum lot area within an ‘APO’ zone	<b>39 hectares</b>	<b>18.5 hectares</b>

The rezoning application will rezone Parcel 1 (Severed Lands) from an Agricultural ‘A’ zone to Rural Residential ‘RuR-232’ with site specific provisions recognizing three zoning deficiencies resulting from the related surplus farm dwelling severance. The rezoning to ‘RuR’ will recognize the now residential use of Parcel 1 (Severed lands) with the residence and two existing accessory buildings. The three site specific provisions

will recognize a front yard setback of 14 metres for the existing dwelling whereas, Table 14 found in Part 6 of the Township's Zoning Bylaw 2017--70, as amended, identifies 15 metres as the minimum front yard setback within an 'RuR' zone.

The existing accessory buildings on the severed lot exceeds the maximum lot coverage permitted, with a total of approximately 220 square metres whereas, Table 1-2 found in Part 3 of the Township's Zoning Bylaw 2017-70, as amended, identifies a maximum of 200 square metres or 8 percent of the lot area as the maximum lot coverage permitted for all accessory buildings on a lot, provided the lot coverage does not exceed 20% for all buildings and structures on the lot. The total lot coverage for the existing dwelling and accessory buildings results in approximately 6.48% of the new lot area (0.51 hectares), well within the 20% maximum lot coverage permitted for a Rural Residential 'RuR' zone.

Additionally, the severed residential lot should have adequate space to locate and accommodate private septic services. Planning Staff do not anticipate negative impacts with the increased building coverage on the septic and/or the associated condition of approval.

In addition, the rezoning application will recognize an existing accessory building approximately 195 square metres in size whereas, Table 1-2 in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies 120 square metres as the maximum ground floor area per building or structure within a Rural Residential 'RuR' zone. Upon review of the surrounding land uses, the existing accessory building is compatible with the area as the surrounding land use is vacant agricultural land. There are similar sized accessory buildings in the area and the building itself is in good condition. For these reasons, Planning Staff do not have any concerns with recognizing the larger accessory building size.

The rezoning application will also rezone Parcel 2 (Retained lands) from an Agricultural 'A' zone to an Agricultural Purposes Only 'APO-233', with a site specific provision to recognize the deficient lot size, being approximately 18.5 hectares (45.7 acres) whereas, Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended, identifies 39 hectares (96.37 acres) to be the minimum lot area within an Agricultural Purposes Only 'APO' zone.

Furthermore, it is important to note, the existing environmental zoning on a portion of the retained lands (Parcel 2) will be maintained, Planning Staff consider this application for a Zoning Bylaw Amendment to be consistent with the Agricultural and Environmental zone objectives.

#### **FINANCIAL IMPLICATIONS:**

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



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

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

Since this application was applied for and paid before January 1st, 2024, the 2023 fee for a Zoning By-law Amendment as condition of consent to B05/2023WL was collected in the amount of \$4,820. If not approved within 90 days, the Township would be required to refund the Applicant \$2,410, at 149 days, \$3,615 and after 209 days, the entire fee.

Given the combined Public Meeting and Recommendation report, Planning Staff do not anticipate a refund to the Applicant being required as approval can be granted within the 90-day timeframe.

**INTER-DEPARTMENTAL COMMENTS:**

Notice of the Public Meeting was circulated to all relevant agencies and departments on January 12<sup>th</sup>, 2024 and a notice of the hearing was also posted to the Township's website.

Regional Staff of the Growth Strategy and Economic Development Services Department and Environmental Planning Staff have provided comments on the previous consent application (B05/2023WL) on August 25, 2023, noting no objections, subject to the Committee being satisfied that the lot size as proposed is necessary to support private on-site services. Regional input was considered by the Committee and the application was conditionally granted approval on August 30<sup>th</sup>, 2023. Further, as this rezoning application is a condition of consent; as per the memorandum of understanding (MOU) guidelines it is exempt from Regional review.

The Niagara Peninsula Conservation Authority (NPCA) noted on the previous consent application that the subject property is impacted by the Beaver Creek watercourse, Upper Beaver Creek Wetland Complex and associated floodplain as well as, unevaluated wetlands. As the proposed lot lines are not dissecting a regulated feature (as shown on Survey Sketch, see Attachment 2), the NPCA has no objections to the consent or associated Zoning By-law Amendment.

Township Building Department had no objections or comments to provide on the

application during the consent process.

Public Works Department provided comments on the previous consent application (B05/2023WL), noting two conditions as per Policy POL-PW-1-18; for a 1-metre road widening between #7135 Cosby Road and Caistor Gainsborough Townline Road and a daylighting triangle of 7-metre by 7-metre for the inspection of Caistor Gainsborough Townline Road and Cosby Road. Aside from the noted conditions of approval for consent (B05/2023WL), Public Works has no objections or further comments.

Additionally, a condition of consent approval was also included regarding compliance with Part 8 (Sewage Systems) of the Ontario Building Code as no documentation was submitted with the previous consent application (B05/2023WL). At the time of writing this report, the Township's Septic Inspection Manager has yet to receive documentation on Part 8 compliance and as such, will remain a condition of the related consent application which would be required to be fulfilled before the lapsing date of August 30<sup>th</sup>, 2025.

**PUBLIC COMMENTS:**

A Notice of the Public Hearing was mailed to all residents within 120 metres of the subject property on January 12<sup>th</sup>, 2024. In addition, a yellow sign was posted on the property on January 16<sup>th</sup>, 2024. As of the preparation of this Report, Planning Staff have not received any public comments regarding this application.

**CONCLUSION:**

An application for Zoning By-law Amendment application has been submitted for the property located at 1738 Caistor Gainsborough Townline Road. The amending By-law will apply site specific regulations on the severed and retained lands as follows:

Severed Lands (Parcel 1- 0.51 hectares/ 1.26 acres) - RuR –232

- A front yard setback of 14 metres for the existing dwelling to the front lot line
- Maximum lot coverage of 220 square metres for all accessory buildings/structures
- An existing accessory building with a ground floor area no greater than 195 square metres

Remnant Farmland (Parcel 2- 18.5 hectares/ 45.7 acres) - APO –233

- Minimum lot area– 18.5 hectares

The application to amend the Zoning By-law has been reviewed in accordance with Section 2 and Section 34 of the *Planning Act* and against Provincial, Regional, and Township Policy, and meets the policies for the long-term protection and preservation of agricultural land uses and environmental conservation. As such, Planning Staff recommend the approval of this Zoning By-law Amendment application and the By-law attached to this report.

**SCHEDULES:**

1. Schedule A - Location Map
2. Schedule B - Survey Sketch
3. Schedule C - Amending By-law

Prepared by:



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**Stephanie Pouliot,  
Planner**

Submitted & Approved by:



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



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**Gerrit Boerema,  
Manager of Planning**



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**Donna DeFilippis,  
Interim CAO**





**Location Map**  
 1738 Caistor Gainsborough Townline Road

0 75 150 300 Meters



**Legend**

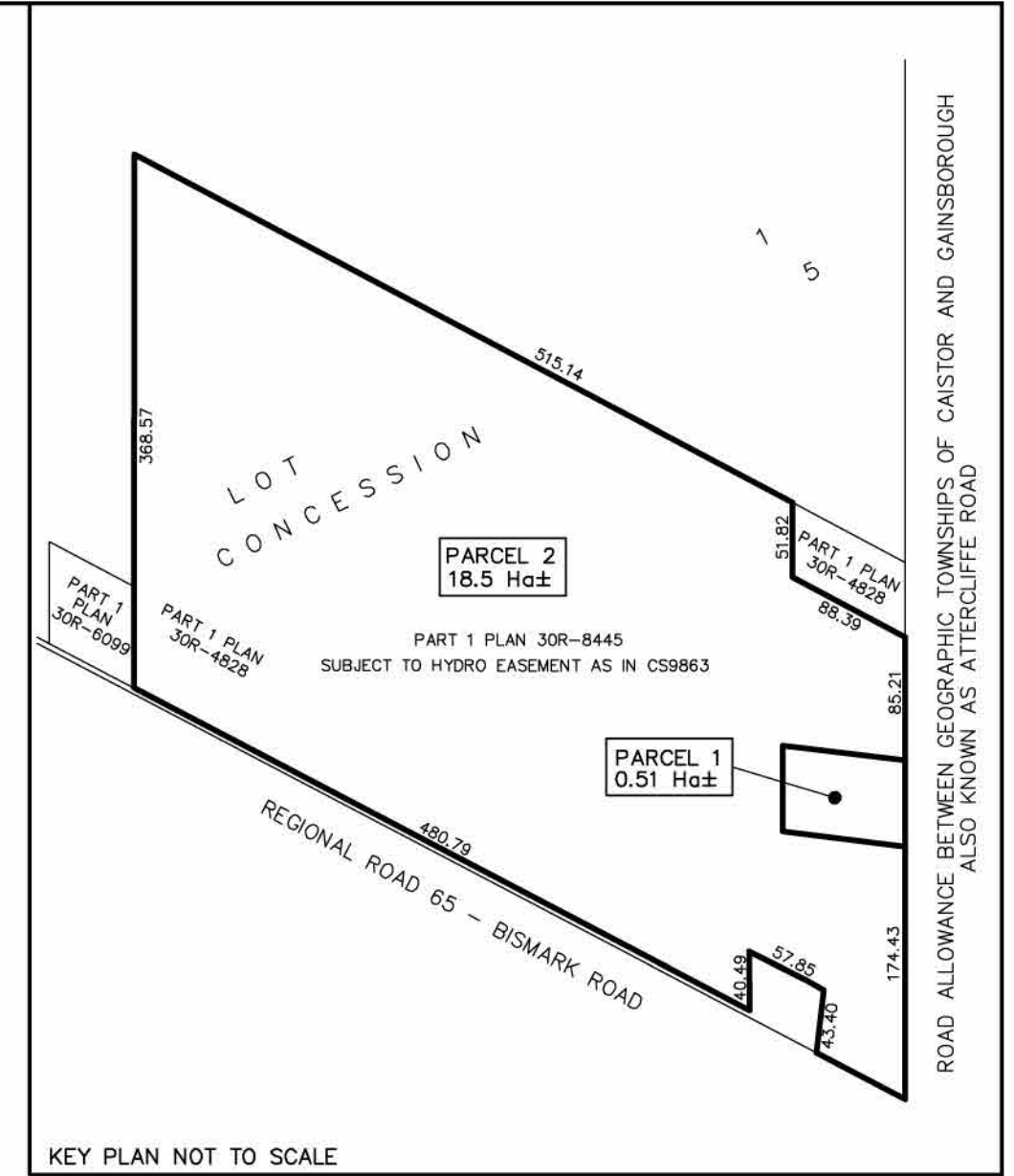
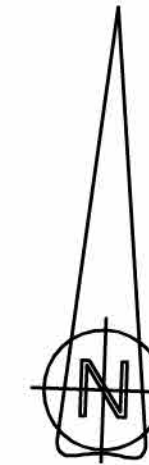
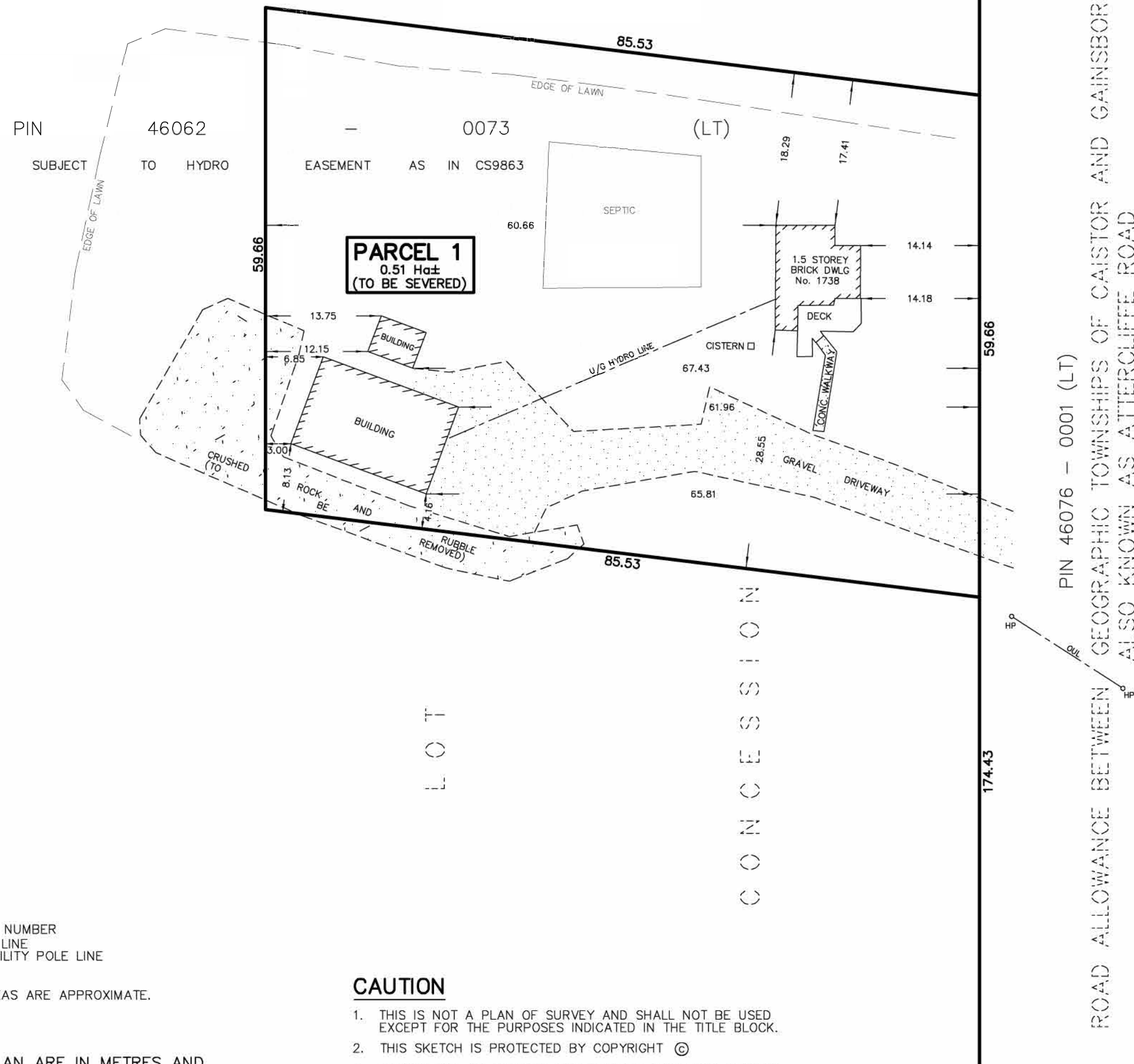
- Zone Boundary
- Subject Property



SKETCH FOR SEVERANCE APPLICATION  
**1738 CAISTOR GAINSBOROUGH TOWNLINER ROAD**  
**TOWNSHIP OF WEST LINCOLN**  
 REGIONAL MUNICIPALITY OF NIAGARA



SCALE 1: 500  
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 ONTARIO LAND SURVEYORS  
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KEY PLAN NOT TO SCALE

**BOUNDARY NOTE**

BOUNDARIES HAVE BEEN DERIVED FROM PLAN 30R-8445 AND ACTUAL FIELD WORK.

**PROPERTY DESCRIPTION**

PART OF LOT 1, CONCESSION 5  
 GEOGRAPHIC TOWNSHIP OF CAISTOR  
 TOWNSHIP OF WEST LINCOLN  
 REGIONAL MUNICIPALITY OF NIAGARA  
 PIN 46062-0073 (LT)

JULY 20, 2023  
 DATE

*[Signature]*  
 HAROLD D. HYDE  
 ONTARIO LAND SURVEYOR

SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED

**LEGEND & NOTES**

- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- HP DENOTES HYDRO/UTILITY POLE LINE
- OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
- U/G DENOTES UNDERGROUND

\*\*BUILDING TIES, DISTANCES AND AREAS ARE APPROXIMATE.

**METRIC NOTE**

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

**CAUTION**

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

ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF CAISTOR AND GAINSBOROUGH ALSO KNOWN AS ATTERCLIFFE ROAD  
 PIN 46076 - 0001 (LT)

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

P.O. Box 6, 1333 Highway #3 East, Unit B  
 DUNNVILLE, ONT, N1A 2X1  
 DUNNVILLE: 905-774-7188 FORT ERIE: 905-871-9757  
 (FAX 905-774-4000)

HAROLD D. HYDE O.L.S.

SCALE 1 : 500	SURVEY : 23-117	DRWN BY : T. Matheson
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**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

**BY-LAW NO. 2024- XX**

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

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

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

1. THAT Schedule 'A' Map 'D6' and 'E4' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Part of Lot 1; Concession 5 Road, 30R8445 Part 1, being Parcel 1 and 2 shown on Consent Sketch, in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'D6' and 'E4' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Parcel 1 (Severed Lands) shown on Schedule 'A', attached hereto and forming part of this By-law from Agriculture Zone to Rural Residential 'RuR' with Exception (RuR-232).
3. THAT Part 6 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.2:

**RuR-232**

Permitted Uses:  
As per the parent zone.

Regulations:

All regulations of the RuR zone except:

- a) Front yard setback of 14 metres for the existing dwelling
- b) Maximum lot coverage of 220 square metres for all accessory buildings/structures on lot
- c) An existing accessory building with a ground floor area no greater than 195 square metres

4. THAT Map 'D6' and 'E4' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Parcel 2 (Retained Lands) shown on Schedule 'A', attached hereto and forming part of this By-law from an Agriculture Zone to an Agricultural Purposes Only Zone with Exception (APO-233).
5. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.2:

**APO-233**

Permitted Uses:  
As per the parent zone.

Regulations:

All regulations of the APO zone except:

- a) Minimum lot area of no less than 18.5 hectares

6. THAT all other provisions of By-law 2017-70 continue to apply.
7. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
26<sup>th</sup> DAY OF FEBRUARY, 2024.**

---

**MAYOR CHERYL GANANN**

DRAFT

## EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-XX

### Location:

This By-law involves a parcel of land legally known Part of Lot 1; Concession 5 Road, 30R8445 Part 1, being Parcel 1 and 2 (on Consent Sketch, File #B05/2023WL), Township of West Lincoln, Regional Municipality of Niagara.

### Purpose & Effect:

The purpose of the Zoning By-law Amendment is to change the zoning from an Agriculture 'A' zone to Rural Residential with exception 'RuR-232' for Parcel 1 (0.51 hectares/ 1.26 acres) to recognize three zoning deficiencies for a Rural Residential zone, being a maximum lot coverage of 220 square metres for all accessory buildings and structures on the lot, to recognize the existing front yard setback for the dwelling at 14 metres and an existing accessory building with a maximum ground floor area no greater than 195 square metres as shown on Schedule 'A' attached. Additionally, the purpose of this Zoning By-law Amendment is to rezone Parcel 2 (18.5 hectares/ 45.7 acres) to an Agricultural Purposes Only with exception 'APO-233' to recognize the resulting zoning deficiency, being the reduced lot area of 18.5 hectares (45.7 acres).

### Public Consultation:

The Public Meeting was held on February 12<sup>th</sup>, 2024. All written and oral comments will be considered in the making of the decision by Council. Agency comments regarding this application have been included in the amending bylaw.

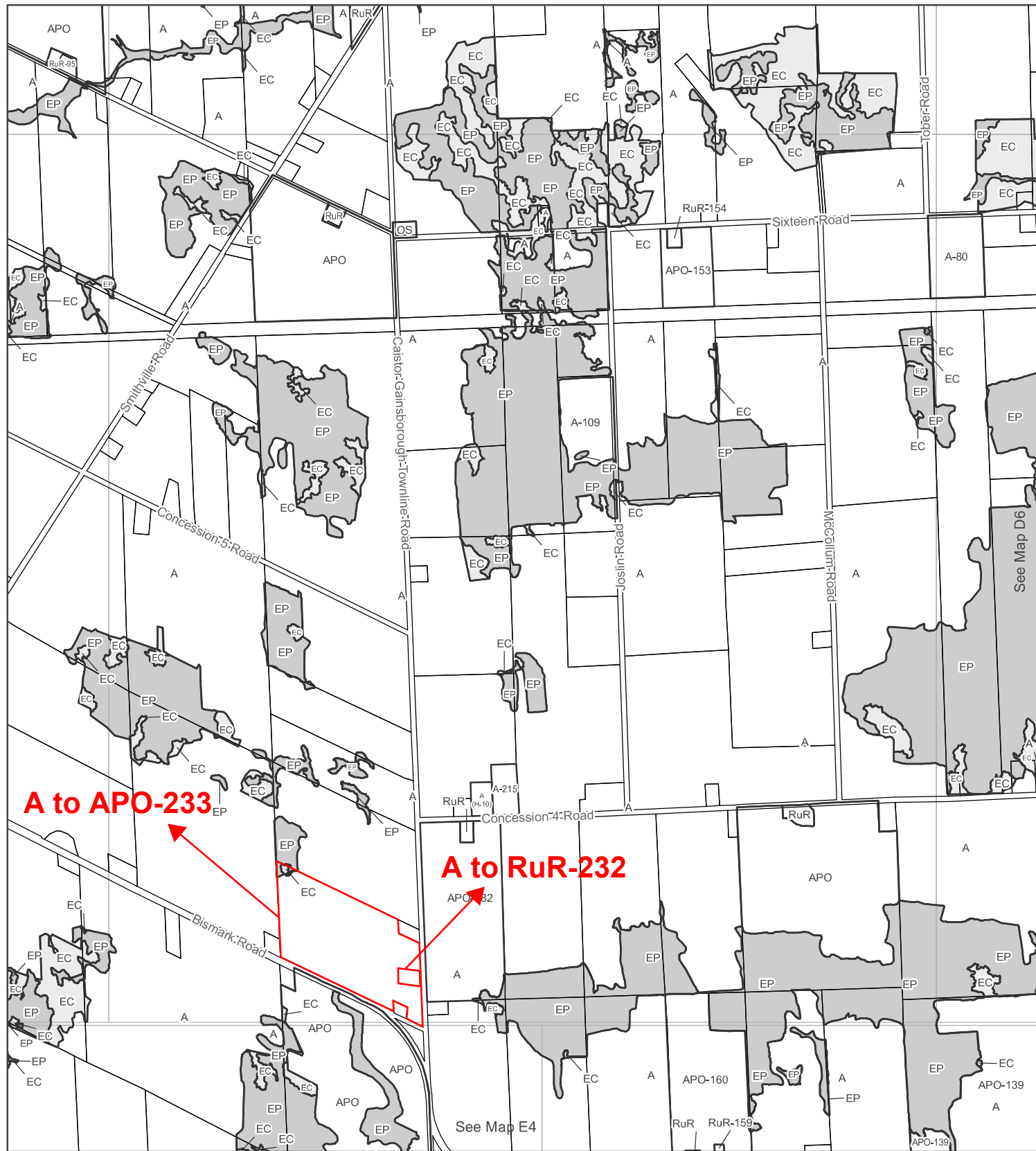
File: 1601-009-23  
Applicant: Brad Snippe

DRAFT



See Map D4

See Map D6



**A to APO-233**

**A to RuR-232**

Township Key Map

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

Smithville Key Map

S1	S2	S3
S4	S5	S6
S7	S8	S9

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

**Township of West Lincoln**  
 Schedule A  
 Zoning By-law No. 2017-70  
 Map  
**D5**

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

**DATE:** February 12, 2024

**REPORT NO:** PD-06-2024

**SUBJECT:** **Application for Temporary Use Zoning By-Law Amendment for 8399 Concession 2 Road**

**CONTACT:** Madyson Ettl, Senior Planner

**OVERVIEW:**

- An application for a Temporary Use By-Law has been submitted by James Smith (agent) on behalf of Breanne Griffin (Owner) for the property located at 8399 Concession 2 Road, to permit a Garden Suite.
- The applicants are requesting to temporarily permit a mobile home for use as a Garden Suite on their property. Refer to Attachment 1 – Location Map.
- The subject property is approximately 0.40 hectares in size and is designated as Good General Agriculture in the Township’s Official Plan and as Rural Residential ‘RUR’ in the Township’s Zoning By-law.
- The applicants are requesting authority to place a Garden Suite temporarily for a maximum of 20 years to allow two family members to live on the property in a separate dwelling unit.
- The *Planning Act* under Section 39.1(1), permits Garden Suites subject to requirements, and as a condition Council requires a Temporary Use Agreement between the persons residing in the Garden Suite with the Township.
- Section 39.1(3) of the *Planning Act* also allows the Council of a municipality to grant the temporary use of a Garden Suite for up to 20 years.
- If the use is required for more than 20 years, the temporary use can be renewed on a 3-year basis, as needed.
- Garden Suites are not intended to be rental units and shall only be occupied by the person(s) named in the Temporary Use Agreement. The Garden suite is required to be removed once no longer required by the family.
- Township Staff have completed a thorough review of the application and in consideration that no comments have been received by the public and no major concerns from the agencies, the Recommendation Report is being presented concurrently for Committee and Council’s consideration for approval.
- From the date of the complete application, being January 11<sup>th</sup>, 2024, 90 days would result in a decision having to be made by April 11, 2024.

**RECOMMENDATION:**

1. That, Recommendation Report PD-06-2024, regarding “Application for Temporary Use Zoning By-Law Amendment”, dated February 12, 2024 be received; and,
2. That a bylaw, such as the Draft By-law attached in Schedule B, be approved; and,

3. That, the Director of Planning and Building be authorized to enter into a Temporary Use Agreement with the owners; and,
4. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme 2 & 3**

Champion – Strategic, Responsible Growth

Enrich – Strong Agricultural Legacy

**BACKGROUND:**

The purpose of this report is to provide the technical information for the Temporary Use Zoning By-law Application to Council as well as a recommendation on the application. The Recommendation Report is being presented to Council the same evening as the Public Meeting as there have been no public comments received at the time of writing this report and the application generally seems to be straight forward in nature. The proposal complies with the Township, Regional and Provincial Policies and presenting a recommendation report the same evening as the public meeting will assist in meeting the new timelines outlined in Bill 109.

A Temporary Use application has been submitted by James Smith (Agent) on behalf of Breanne Griffin (property owner) to request the temporary use of a mobile home on the property municipally known as 8399 Concession 2 Road. This application is to temporarily permit the Garden Suite to allow immediate family members of Breanne Griffin to temporarily reside on the property. The Garden Suite being proposed is 53.5 square metres in size (approximately 3.66 metres by 14.63 metres or 53.5 square metres/576 square feet).

The temporary use provisions of the Planning Act, Section 39.1(1) and the Township's Official Plan permit Garden Suites on a temporary basis. The Township's Official Plan permits one accessory dwelling unit per privately serviced property, either in a dwelling or a separate accessory building. Further, the Township's Zoning By-Law 2017-70, as amended, allows a maximum floor area permitted for a Garden Suite to be 100 square metres (1,076 square feet). As such, the applicants are proposing a mobile home that is compliant with the Planning Act, Township's Official Plan and Zoning By-Law 2017-70, as amended.

**CURRENT SITUATION:**

Township Staff have reviewed the relevant Provincial, Regional and Local policy surrounding Garden Suites and have provided a summary below:

**1. Planning Act, Provincial Policy Statement (PPS) & A Place to Grow – Provincial Growth Plan**

Garden Suites are not referred to within the PPS, although there are general housing policies that support a range of house types within a municipality. Section 1.4.3 states that Planning authorities shall provide for an appropriate range and mix of housing options to meet the projected housing needs of current and future residents.

Additionally, it is the Planning Act that requires municipalities to include policies and regulations for Garden Suites. The Planning Act allows municipalities to pass by-laws that will permit a temporary Garden Suite on a property for no more than 20 years. The Planning Act defines a “Garden Suite” as a one-unit detached residential structure containing a bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. Section 39.1 of the Planning Act allows Council to require a Temporary Use Agreement between the persons residing in the Garden Suite and the Township that deals with such matters as the installation, maintenance, removal of the garden suite as well as, the period of occupancy for those named within the agreement.

As such, the proposed Garden Suite meets the Planning Act’s definition as it is a mobile home that will be portable, permitted for a temporary period, and will be ancillary to the existing residential dwelling. The mobile home being purchased will be 14.63 metres by 3.66 metres and will have a floor area of 53.5 square metres/576 square feet. The applicants are proposing to use the existing septic system on the property to accommodate the new modular home.

The Growth Plan does not refer specifically to Garden Suites, although Section 2.2.6 states that municipalities need to address housing needs

Planning staff consider the application for a temporary Garden Suite to be consistent with the Planning Act, Provincial Policy Statement (PPS) and Growth Plan.

### **3. Greenbelt Plan**

Applications must conform to the Greenbelt Plan if they fall within the designated Greenbelt Area provided in Schedule 1 of the Greenbelt Plan. Since the subject lands are outside the area designated in the Greenbelt Plan, the policies do not apply to this application.

### **4. Niagara Regional Official Plan (NOP)**

Garden Suites are not specifically addressed in the NOP, instead the Region relies on the municipal official plan policies and zoning by-Laws to provide the policies and regulations pertaining to Garden Suites. As such, the following Township policies and regulations will apply for the garden suite as outlined in the OP and ZBL.

### **5. Township of West Lincoln Official Plan (OP)**

The subject property is designated as Good General Agriculture within the Township’s Official Plan. Within the Township OP (Section 4) provides the following requirements for Garden Suites:

- i. *The unit shall only be used on a temporary basis in conjunction with an existing dwelling on the same lot;*
- ii. *The lot size/layout in terms of accommodating the garden suite without unreasonable loss of private outdoor amenity area;*



- iii. *Compatibility of the garden suite with the surrounding neighborhood in terms of general form, privacy, shadowing and separation distance;*
- iv. *Adequacy of site access and on-site parking;*
- v. *The unit is not placed in the front yard of the lot or the required front yard as established by the Zoning By-law;*
- vi. *No additional access is provided to the lot from a public road;*
- vii. *Placement of the unit is not exclusively removed from the existing dwelling;*
- viii. *The proposed site is capable of accommodating an approved septic and water supply system as determined by the Township of West Lincoln, or verification that adequate municipal services can be provided on this lot.*
- ix. *The location of such unit shall be in accordance with the Minimum Distance Separation Formulas where the use is proposed near any livestock operation.*
- x. *The main dwelling unit and the proposed garden suite are clustered in the same general location on the property.*

The following is Planning Staff's observations in relation to the above noted policies:

- i. The proposed Garden Suite must be removed after it has served its purpose. As the proposed garden suite is a mobile home which will be easily removed following its use, the use is temporary in nature.
- ii. The property is 0.40 hectares (1 acre) in size.
- iii. The Garden Suite will not adversely impact the surrounding neighborhood (due to the fact that it is located within close proximity to the existing dwelling and is surrounded by agricultural lands.
- iv. The Garden Suite will be accessed by the existing driveway, slightly expanded, and on-site parking will be provided.
- v. The Garden Suite will not be placed in the front yard or in front of the existing dwelling as established by the Zoning By-law.
- vi. No additional access will be provided to the lot from a public road.
- vii. OP permits one accessory dwelling unit per property, either in a dwelling or in an accessory building, such as a Garden Suite like this application. The applicant has not indicated any additional accessory dwelling units.
- viii. The proposed dwelling will hook into the existing septic system located on the property or require a separate septic bed. Both options are permitted in the Township's Zoning Bylaw.
- ix. Minimum Distance Separation has been reviewed and the Garden Suite unit is within compliance. There are no operating livestock barns within the immediate surrounding area.
- x. The Garden Suite is proposed to be located in the same general area of the existing buildings on the property, including the main dwelling unit.

Planning staff consider that the continued residential use and the use of a temporary Garden Suite on the subject property meets the intent of the Township's Official Plan. The applicant will be required to enter into a temporary use agreement with the Township to ensure that a deposit of \$5,000 is also provided for the removal of the unit, as well as regulate parking, servicing and location of the unit.

**6. Township of West Lincoln Zoning By-Law (ZBL)**

The subject property is zoned Rural Residential ‘RUR’ in the Township’s ZBL. This zone allows for single detached dwellings and residential accessory uses and a maximum of one accessory dwelling unit.

The Rural Residential zone permits a Garden Suite on the property as an accessory residential use; subordinate to the main dwelling. As an accessory building, the location of the Garden Suite is subject to the setbacks outlined in Section 3.1 of the Township’s Zoning Bylaw 2017-70, as amended. The proposed Garden Suite meets all zoning provisions as outlined in the table below.

<b>Regulation</b>	<b>Required Setbacks</b>	<b>Proposed Setbacks</b>
Interior side lot line setback	1.2 metres	2.4 metres
Interior side lot line setback	1.2 metres	33.42 metres
Rear lot line setback	1.2 metres	9.42 metres
Minimum setback form main building	1.5 metres	45.7 metres
Minimum Setback to front lot line	No closer to the front lot line than the main building	Located in the rear yard.
Maximum Lot Coverage	The lot coverage shall not exceed the 8% for all buildings and structures	3.3% total lot coverage with dwelling and garden suite
Maximum number of accessory buildings	2	2

Additionally, the Garden Suite is subject to specific regulations as outlined in Section 3.2.4 of the Township’s Zoning Bylaw 2017-70, as amended. The provisions permit a maximum of one Garden Suite on a lot, with a maximum floor area of 100 square metres (1,076 square feet), and must be accessed through the same driveway that provides access to the main dwelling.

The location of the proposed garden suite will be located to the north east corner of the property. North of the existing dwelling. (Please see attachment 1 for Survey Sketch) As such, the proposed Garden Suite will maintain the required maximum floor area of being only 53.5 square metres (576 square feet), and be located within 50 metres of the dwelling, and will be accessed from the existing driveway. Further, the Garden Suite is proposed to be located to the north/ east of the single detached dwelling and existing accessory building on the property, and will also be located behind the main dwelling. Planning Staff consider that the application for a Zoning By-law Amendment to permit a Temporary Garden Suite conforms to the primary objectives of the Rural Residential Zoning regulations on the subject property.

**FINANCIAL IMPLICATIONS:**

A \$5,000.00 security deposit will be obtained as part of this Temporary Use application.

This will be held by the Township until the temporary structure is removed. This money is held as security to ensure the use is removed after it is no longer needed.

Discussions with the Finance Department have also identified that the Garden Suite will be taxed as part of the property taxes for the period of time that the mobile home is on the property.

Further, there are potential implications associated with Bill 109, the *More Homes for Everyone Act, 2022*. Bill 109 requires municipalities, starting on July 1<sup>st</sup>, 2023, to provide fee refunds for planning act applications if decisions are not made within the required *Planning Act* timelines.

The timelines for approval and the associated fee return requirements are outlined in the below table, this will require Township Staff to prepare recommendations on a quicker timeline for Council’s decision. Council must make a decision within 90 days of the complete application or they will be required to provide a refund.

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

The current 2024 fee for a Temporary Use By-Law is \$3,822.00. Starting on July 1<sup>st</sup>, 2023, if a decision is not made within 90 days, the Township would be required to refund the applicants \$1,911.00, at 149 days \$2,866.50, and after 209 days, the entire fee would be refunded to the applicants.

Staff believe that this application for a Temporary Use for a Garden Suite does not create negative adverse impacts to the surrounding agricultural lands or the neighbouring residential parcels and approval of this application can be granted within the 90-day timeframe and no refund to the applicant will be required.

**INTER-DEPARTMENTAL COMMENTS:**

Notice of Public Meeting was circulated to all relevant agencies on January 11<sup>th</sup> 2024. At the time of writing this report, the Township’s Building Department has yet to provide comments on the application.

The Township’s Septic System Inspector provided comments which state that the existing septic system may not be adequate to service the additional garden suite. The applicant shall address requirements of Part 8 of the Ontario Building Code and request confirmation from a licensed installer and or designer as part of the required temporary

use agreement and building permit process. The potential increase in loading may be such that a new sewage system may be required to service the proposed garden suite, which would be permitted under the Township's zoning bylaw.

The Township's Public Works Department have reviewed the proposed application and have no objections.

The NPCA provided comments which stated they have no concerns for the proposed garden suite.

Furthermore, the Niagara Region had no Regional comments to provide and as such, do not object to this application.

**PUBLIC COMMENTS:**

A Notice of Public Meeting was circulated to all residents within a 120 metre radius of the property on January 11<sup>th</sup>, 2024. The notice was posted to the Township's website and a yellow sign was also posted on the subject property on January 12<sup>th</sup> 2024.

Furthermore, at the time of writing this report, no public comments have been received to date.

**CONCLUSION:**

This application for a Temporary Use By-law has been reviewed in accordance with Section 34 of the Planning Act, and against Provincial, Regional and Township Policy, and the application has been deemed to meet the policies for the temporary use of a Garden Suite. As such, Planning Staff recommend the approval of the Zoning By-law application.


**SCHEDULES:**

- A. Site Plan
- B. Draft By-Law

**Prepared & Submitted by:**



**Approved by:**





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**Brian Treble**  
Director of Planning & Building

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**Donna DeFillipis**  
CAO



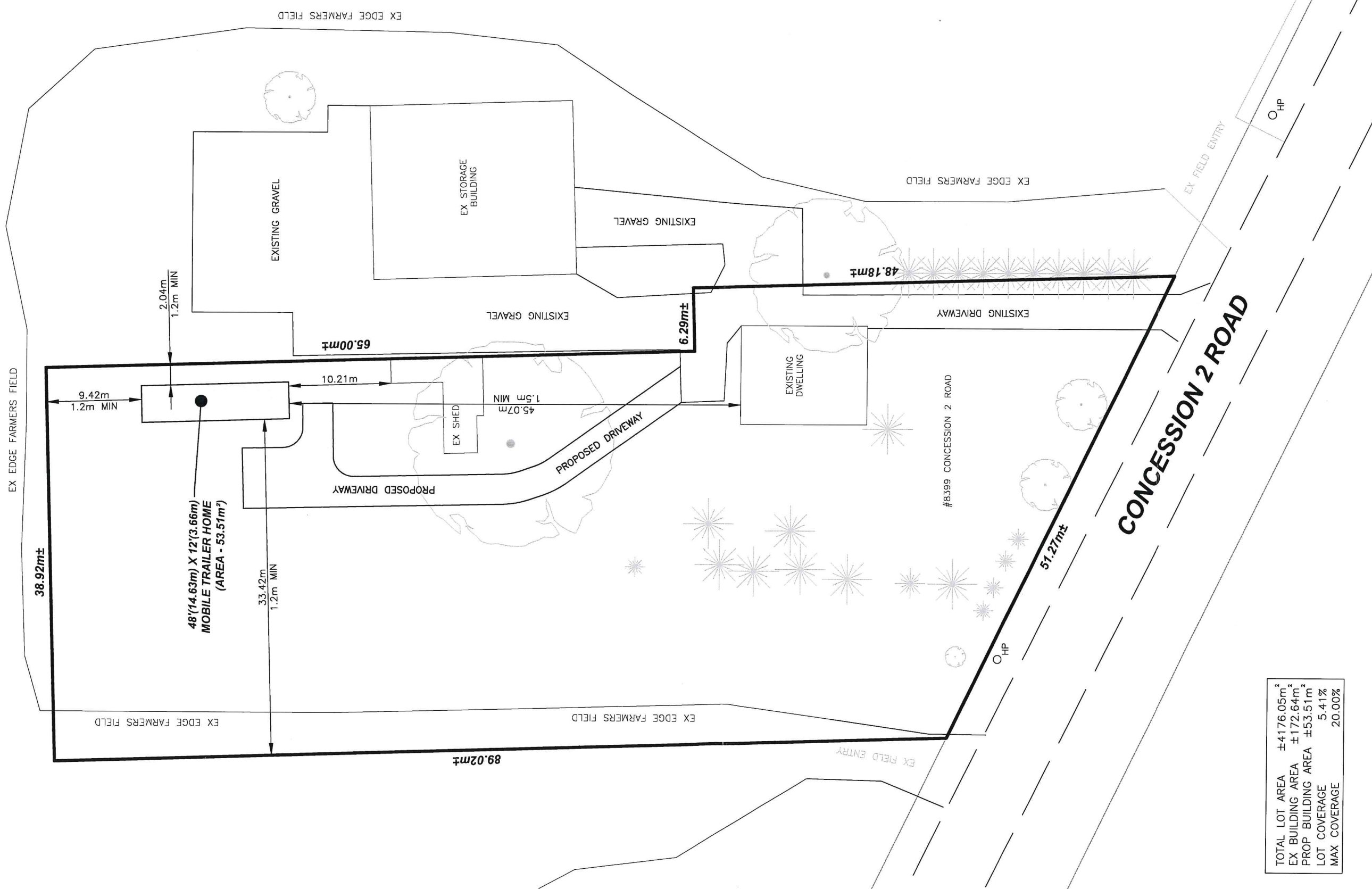
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**Madyson Ettl**  
Senior Planner



---

**Gerrit Boerema**  
Manager of Planning



TOTAL LOT AREA	±4176.05m <sup>2</sup>
EX BUILDING AREA	±172.64m <sup>2</sup>
PROP BUILDING AREA	±53.51m <sup>2</sup>
LOT COVERAGE	5.41%
MAX COVERAGE	20.00%

**LEGAL DESCRIPTION**  
 PART OF LOT 10, CONCESSION 3  
 GEOGRAPHIC TOWNSHIP OF CAISTOR  
 TOWNSHIP OF WEST LINCOLN  
 REGIONAL MUNICIPALITY OF NIAGARA

**8399 CONCESSION 2 RD**  
 TOWNSHIP OF WEST LINCOLN  
 SITE LOCATION PLAN

DATE	2023-12-06
SCALE	1:400 m
REF No.	5373/8399 CONCESSION 2 ROAD

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**  
**BY-LAW NO. 2024- XX**

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

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

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

1. THAT Schedule 'A' Map 'E3' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on 8399 Concession 2 Road, legally described as Concession 3 PT LOT 10 RP30R14841 Part 1, in the former Township of Caistor, now in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A'. attached hereto and forming part of this By-law.
2. THAT Map 'E3' to Schedule 'A' to Zoning By-Law NO. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Rural Residential Zone 'RUR' zone to a Rural Residential Zone with a site specific temporary use number RUR(T-14).
3. THAT, for the purpose of this By-law a garden suite shall be defined as follows:  
 Garden Suite: A one unit detached residential structure containing bathroom and kitchen facilities, ancillary to an existing residential structure and is designed to be portable.
4. THAT, Part 5 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.3.

Temporary Use Provision	Map #	Parent Zone(s)	Property Description	Permitted Temporary Use	Regulations	Start Date	Expiry Date
T-14	E3	RUR	Concession 3, PT LOT 10 RP30R14841 Part 1, (8399 Concession 2 Road))	Garden Suite	As per the parent zone. Except: That the owner enters into a Temporary Use Agreement prior to the placement of the garden suite.	February 26 2024	February 26 2044

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

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>th</sup> DAY OF FEBRUARY, 2024.**

\_\_\_\_\_  
**MAYOR CHERYL GANANN**

---

**NANCY FIORENTINO , CLERK**

DRAFT



**EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-XX**

**Location:**

This By-law involves a parcel of land legally known as 8399 Concession 2 Road, legally described as Concession 3 PT LOT 10 RP30R14841 Part 1, in the former Township of Caistor, now in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A'. attached hereto and forming part of this By-law.

**Purpose & Effect:**

This By-law has been enacted to permit a garden suite on the subject property to facilitate common living. This By-law provides for such use for a temporary period commencing February 2024 and expiring February 2044.

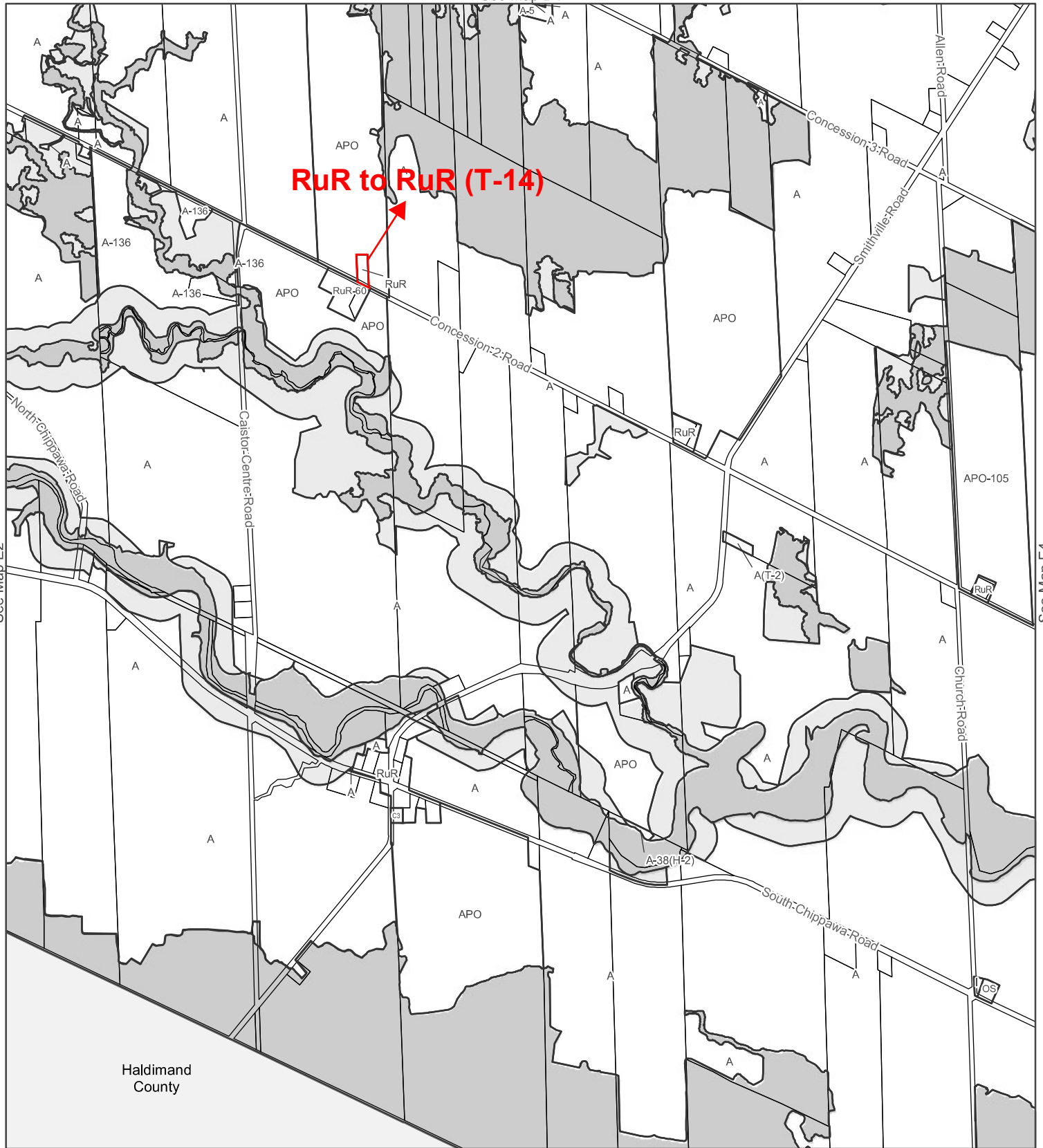
Any extension to the time limit set out in this By-law will require the passage of a further By-law by the Council for the Township of West Lincoln. Such request for an extension must be made in writing to the Township no later than 3 months prior to the expiration of this By-law.

**Public Consultation:**

The Public Meeting was held on February 12<sup>th</sup> 2024. All written and oral comments will be considered in the making of the decision by Council. Agency comments regarding this application has been included in the amending bylaw.

File: 1601-010-23  
Applicant: James Smith

DRAFT



See Map E2

See Map E4

Haldimand County

See Map F1

Township Key Map

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

Smithville Key Map

S1	S2	S3
S4	S5	S6
S7	S8	S9

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

**Township of West Lincoln**

Schedule A  
Zoning By-law No.2017-70

Map

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

**E3**

**DATE:** February 12, 2024  
**REPORT NO:** PD-11-2024  
**SUBJECT:** **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 Planning Committee about permitting backyard chickens subject to limitations.
- At the November 13<sup>th</sup>, 2023 Planning, Building, Environmental Committee Meeting, Planning staff brought forward staff report PD-56-2023 requesting that the Township proceed with a public consultation process.
- On January 9<sup>th</sup>, 2024 a dedicated page on the Township website was published to provide background material as well as a survey for West Lincoln residents to fill out.
- Township staff have received multiple written public comments as well as just over 500 online surveys completed at the time of writing this report.
- Planning Staff will bring forward a report to a future Committee and Council meeting when a thorough review of all issues, comments and concerns have been completed.
- It is anticipated that should a positive recommendation be provided to allow backyard chickens, a second public meeting would then be held to consider draft proposed regulations.

**RECOMMENDATION:**

1. That, Technical Report PD-11-2024, regarding “Backyard Chickens”, dated February 12, 2024 be received; and,
2. That, a Recommendation Report be submitted to a future Planning/Building/Environmental Committee once all public and agency comments have been taken into account and a full staff and agency review has been completed.

**ALIGNMENT TO STRATEGIC PLAN:**

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

- **ENRICH** our strong agricultural legacy

**BACKGROUND:**

Staff and members of Council have received several inquiries regarding the possibility of allowing backyard chickens on residential properties within the Township of West Lincoln, within the urban boundaries, the rural hamlets, and rural residential lots.

The purpose of this report is to provide information to Council regarding current regulations for ‘backyard chickens’ within the Township of West Lincoln and outline necessary steps to facilitate policy and regulation changes if Council were to consider permitting ‘backyard chickens’ on residential properties. Staff have outlined a number of issues and considerations related to permitting the residential use of backyard chickens, such as amendments of the current Animal Control and Zoning by-law.

**CURRENT SITUATION:**

While the keeping of livestock has generally been associated with agriculturally zoned properties and not residential properties in urban areas, hamlets or rural residential lots; some urban municipalities have recently established provisions for the keeping of backyard chickens (i.e. hens). Typically, this entails residents keeping several hens for the production of fresh eggs for their own use and not for resale.

Supporters of ‘backyard chickens’ have cited benefits related to sustainability, food quality, ethical animal treatment and alleviation of poverty. Those who oppose ‘backyard chickens’ have focused on concerns relating to disease, odour, noise and potential for attracting rodents/predators, most neighbouring municipalities are also opposed to backyard chickens for these cited reasons.

The Town of Pelham passed a by-law in 2023 (By-law 44-2023 “Backyard Hen By-law”) to allow for the keeping of hens (an application to obtain a license is needed) to regulate and govern the keeping of a maximum of 6 hens and applies to all areas within the Town on residential properties subject to meeting the minimum lot size and setback requirements and which are not considered to be agricultural properties (this report can be found at Schedule 4 to this report). The City of Niagara Falls, City of Toronto, and Township of Oro-Medonte also have adopted somewhat similar approaches to the keeping of hens on residential lots.

Currently, the Township’s Zoning By-law requires all new agricultural uses, including the raising or keeping of livestock/chickens to be located on properties zoned A (Agricultural).

As such, ‘backyard chickens’ as well as all types of livestock are currently classified as prohibited in urban areas in the Township’s zoning bylaw. The Township’s By-law Enforcement Department has received multiple complaints regarding ‘backyard chickens’ in the last 3-4 years.

Should Council wish to change the way in which ‘backyard chickens’ are regulated,



significant amendments to the Township's Zoning and Animal Control By-law's would be required. Appropriate rules and regulations would need to be reviewed and statutory requirements under the Planning Act would have to be addressed, including an additional statutory public meeting. A review of land use policy of the Township of West Lincoln Official Plan must also be considered.

Staff have prepared the following list of potential considerations/issues that a 'backyard chickens' policy should have regard for if permitted in the Township of West Lincoln:

- Rural lots vs Urban lots (settlement areas);
- Minimum lot area and frontage for 'backyard chickens';
- Maximum number of chickens permitted;
- Licensing, registration and fees for chickens;
- Clean yards and safe handling standards;
- Manure management;
- Minimum coop dimensions and setbacks;
- Minimum range size, nesting areas, etc.;
- Prohibition on slaughter;
- Prohibition on roosters;
- Prohibition on sale of products;
- Fencing requirements;
- Veterinary and health requirements; and,
- Source Water Protection considerations

The policies relevant to farm business operations (and the policy review exercise for this information report) are presented below. Typically, farm business operations are regulated through agricultural land use policies. The Province directs farm business operations on agricultural land designations within the Township of West Lincoln through the *Provincial Policy Statement (PPS) 2020* and the Niagara Official Plan.

### **Provincial Policy Statement (2020)**

The updated Provincial Policy Statement (PPS) (2020) provides policy guidance on land use and development in Ontario. In the PPS (2020), rural areas and prime agricultural areas are the primary land types identified for farm business operations.

Section 1.1.4 policies target rural areas as a system that encompasses rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. These policies offer a comprehensive understanding of Ontario's rural areas, emphasizing the importance of sustainable and diversified economic development.

Key rural area policies for farm business operations include:

- Section 1.1.4.1 highlights rural areas should provide opportunities for a range of economic activities including agriculture, home-based businesses, and tourism.
- Section 1.1.4.2 focuses growth into rural settlement areas to help protect agricultural lands in surrounding rural areas from urban sprawl.
- Section 1.1.4.3 requires that rural characteristics, development scale, and

service levels are considered to ensure that development in rural areas is compatible with agricultural activities and does not hinder farming practices. Meanwhile, Section 1.1.5 specifically addresses rural lands. Rural land policies in Section 1.1.5 support and promote agricultural uses, diversification, and economic development while minimizing land use conflicts. Key rural land policies for farm business operations include:

- Section 1.1.5.2 outlines permitted uses on rural lands relevant to farm business operations, such as agricultural uses, agriculture-related uses, on-farm diversified uses, and normal farm practices. Additionally, rural lands should accommodate a suitable mix of land uses, including agricultural, residential, resource-related, and recreational uses, to foster a diverse and resilient rural economy.
- Section 1.1.5.3 encourages recreational, tourism, and economic opportunities in rural lands. Farm businesses can both benefit from and contribute to these prospects, diversifying income sources and fostering a dynamic rural economy.
- Section 1.1.5.4 and 1.1.5.5 ensure that development in rural lands is compatible with the landscape, supported by rural service levels, and appropriate to available or planned infrastructure, avoiding unjustified or uneconomical expansion. These policies maintain the viability of farm business operations by ensuring efficient use of services, resources, and infrastructure.
- Section 1.1.5.6 preserves opportunities for new land uses needing separation from others, such as farm businesses needing separation from incompatible activities.
- Section 1.1.5.7 promotes a diversified rural economy by protecting agricultural and resource-related uses and directing non-related development to areas with minimal constraints on these uses.
- Section 1.1.5.8 requires compliance with minimum distance separation formulae, reducing land use conflicts and protecting farm operations.

Section 2.3 outlines prime agricultural policies. Prime agricultural areas are regions with a predominance of prime agricultural lands (Specialty Crop Areas or Canada Land Inventory Class 1, 2, and 3), associated CLI Class 4-7 lands, and other areas with a local concentration of active farming. These areas may be defined by OMAFRA using provincial guidelines. Key policies pertaining to prime agricultural areas for farm business operations include:

- Section 2.3.1 requires that prime agricultural areas be identified and protected for long-term agricultural use.
- Section 2.3.3.1 sets the permitted uses in prime agricultural areas. These include agricultural uses, agriculture-related uses, and on-farm diversified uses that are compatible with, and do not hinder, surrounding agricultural operations.
- Section 2.3.3.2 requires new land uses, including the creation of lots and new or expanding livestock facilities, to comply with the MDS Formulae to prevent land use conflicts and mitigate potential impacts on agricultural operations.
- Section 2.3.4 sets out policies that restrict the creation of new lots in prime agricultural areas, except in specific circumstances.
- Section 2.3.5 seeks to minimize any negative impacts on agricultural operations resulting from non-agricultural development.

- Section 2.3.6 discourages the removal of land from prime agricultural areas for non-agricultural uses, except under limited and justifiable circumstances.

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (2016) provides further clarification on agricultural uses, agricultural-related uses, and on-farm diversified uses (Ontario Ministry of Agriculture, Food and Rural Affairs, 2016). The definitions of these types of uses are as follows:

**AGRICULTURAL USES:** *“means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on- farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.”*

**AGRICULTURAL-RELATED USES:** *“means those farm- related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.”*

**ON-FARM DIVERSIFIED USES:** *“means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.”*

The guidelines clarify that *agricultural uses* and *agricultural-related uses* are permitted in prime agricultural and rural designations without size restrictions provided they can be serviced; however, on-farm diversified uses are limited in size as they must be secondary to the primary farm uses.

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

The Niagara Official Plan primarily supports agricultural activities, including the raising of livestock within prime agricultural areas. The prime agricultural areas are to be protected for long term agricultural use in order to allow for a variety of agricultural activities, including livestock production.

The Niagara Official Plan also supports various forms of urban agriculture. Urban agriculture is defined as agricultural production of food and non-food products accessory to the principle use of a property. Example so of urban agriculture include community, school and rooftop gardens, ground-based outdoor community and urban market gardens, urban livestock and hydroponic farms.

Section 2.2.1.1 of the Niagara Official Plan states that development in urban areas will

integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support overall quality of life including affordable, locally grown food and other sources of urban agriculture.

Further in the Niagara Official Plan, in Section 6.3.11, there is policy which supports healthy communities by encouraging urban agriculture and community gardens.

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

The Township Official Plan also provides strong support for the protection of agricultural areas for long term agricultural uses including the raising of livestock. Section 6 of the Township's Official Plan, Urban Settlement Area, and Section 7, Hamlet Settlement Area, do not speak to agricultural uses within the settlement areas of West Lincoln.

The Township of West Lincoln must use these policies as planning frameworks and ensure conformity to these policies when drafting Zoning By-law regulations.

### **FINANCIAL IMPLICATIONS:**

Depending on the option chosen there may be more staff time required to enforce the appropriate protocols, regulations, and requirements given to the Backyard Chicken initiative.

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

Township staff have received multiple written public comments as well as just over 500 online surveys taken at the time of writing this report.

Regional staff have also provided preliminary comments as follows:

*"We have a couple of NOP policies generally encouraging urban agriculture as well as a definition of urban agriculture. I've copied them below for your reference. Outside of settlement areas, MDS policies would apply.*

*If you would like to send me a copy of your public notice, I can take a closer look at it, but I don't suspect there would be any Regional NOP issues if it's within the settlement area.*

*2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

*d. social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*

*ii. Affordable, locally grown food and other sources of urban agriculture;*

*6.3.1.1 The Region shall support healthy communities by:*

*e. encouraging urban agriculture and community gardens;*

*Urban Agriculture:*

*Within urban areas, agricultural production of food and non-food products accessory to the principle use of a property. Examples of urban agriculture include community,*



*school, and rooftop gardens, ground-based outdoor community and urban market gardens, urban livestock, and hydroponic farms.”*

**CONCLUSION:**

Planning staff will provide a fulsome review of all received written and oral public and agency comments as well as survey responses and public meeting comments before identifying any options for the proposed backyard chicken initiative in West Lincoln. Staff will bring forward a report to a future Committee and/or Council meeting when this review has been completed.

**SCHEDULES:**

1. Public and Agency Comments
2. Informational Fact Sheets
3. Town of Pelham – Report #2023-0152 and By-law 44-2023

**Prepared & Submitted by:**



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**Brian Treble**  
Director of Planning & Building

**Approved by:**



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**Donna DeFilippis**  
Interim CAO

-----Original Message-----

From: Randy Moore

Sent: January 10, 2024 12:32 PM

To: Justin Paylove <[jpaylove@westlincoln.ca](mailto:jpaylove@westlincoln.ca)>

Subject: Re: backyard chickens?

yes please include my comments in the public meeting. Maybe common sense will prevail.

Randy

On 1/9/2024 1:11 PM, Justin Paylove wrote:

> Hello Randy,

> Thank you for your correspondence on the matter. Would you like these comments to be reflected in the public meeting (attached as written comments from your behalf)? If not, I could further direct you to fill out a report-a-concern form on our website that would allow you to make a complaint in regards to this.

>

> On a side note, I can assure you that having a rooster within an urban setting, hamlet, etc would be in violation of the current animal control By-law, as well as any other future by-law. This "backyard chicken" by-law that could be implemented would not include an allowance for a rooster in any type of urban setting, and would be subject to a by-law investigation if said by-law was approved by Council.

>

> Thank you,

> Justin

>

>

>

> Justin Paylove

> Deputy Clerk

> Tel: (905) 957-3346 ext. 5129

> Email: <mailto:jpaylove@westlincoln.ca>

>

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

>

> -----Original Message-----

> From: Randy Moore

> Sent: January 9, 2024 10:02 AM

> To: Justin Paylove <[jpaylove@westlincoln.ca](mailto:jpaylove@westlincoln.ca)>

> Subject: backyard chickens?

>

> This is extraordinary that this is being considered.

>

> I've had neighbors with chickens and roosters.

>

- > EVERY day the roosters would crow at sun up waking everyone up. Every day - and very early.
- >
- > The owners don't have the intelligence to go outside and quiet them or build a sound proof enclosure.
- >
- > I'm sure fresh eggs are great but at the cost of waking everyone else up.
- >
- > It got to the point that someone killed the roosters next door.
- >
- > Please use some common sense and don't allow this in town
- > neighbourhoods
- > - just out in farm and rural areas.
- >
- > Randy
- >
- >
- > --
- > This email has been checked for viruses by AVG antivirus software.
- > [www.avg.com](http://www.avg.com)

--

This email has been checked for viruses by AVG antivirus software.  
[www.avg.com](http://www.avg.com)

**From:** Pam De Fazio <>  
**Sent:** January 22, 2024 2:04 PM  
**To:** Justin Paylove <[jpaylove@westlincoln.ca](mailto:jpaylove@westlincoln.ca)>  
**Subject:** Backyard chickens

Township of West Lincoln,

I have listened to the recorded council meeting, of September 11, 2023, where Dora Pavlidis presented to ask for allowance of a couple backyard hens. I would like to express my complete support for what she is asking for.

I am attaching research in hopes that it will be of some help.

It seems that no matter where you live in Ontario, the agricultural community does not support "backyard hens". It also seems likely that their non-support goes back many years, even before avian flu. Many out-dated, extreme chicken bylaws exist, that were created in the 1980's, that limit chicken ownership to large land-owning farmers only.

The benefits of backyard hens do not seem to be disputed. I would just like to plead, that council listen to majority of residential homeowners, for this decision is on THEIR land, that they own and pay taxes on. It will also be THEIR votes in the next election.

Because no one can control wild birds, commercial chicken farmers must use the best biosecurity available to them. Legalizing a small number of urban hens has zero impact on that fact. This is especially true, since chickens and hobby birds already exist in rural and urban areas. It simply does not make sense, that it is an increased risk to legalize maybe 15 hens in urban neighborhoods, that will be tracked and controlled.

There are many important facts to consider in this research. Outbreaks of the bird flu were way down in 2023! No outbreaks have been in urban hens! Not everyone will want backyard hens. As in Springwater, Ontario, they did not even receive the maximum allowed applications for a permit. Capping the number of permits and requiring vaccinations could greatly help.

Thanks for your consideration,

Pam DeFazio

## Addressing Avian Flu

A question for commercial chicken farmers... So, I am picturing chicken farmers driving around and seeing gatherings of wild geese in standing water or a corn field. Seeing free ranging chickens at some small hobby farm. Driving by a house where homing pigeons are let out for a free fly. Or perhaps passing a sale barn holding a bird show or sale. Then seeing cars or trucks pass by with hundreds of birds, on their way to the show/sale/slaughter. Then having a flock of geese fly over your barn. I fully understand the stab of fear a chicken farmer must get! But how can roughly 15, backyard hens in a residential area, that are tracked and regulated, be the "straw that breaks the camel's back"?



There are so many sources of education and learning provided by Government bodies:

[Urban Agriculture: Livestock and Poultry - Information for Municipalities \(gov.on.ca\)](#) "Growing your own food can be very rewarding and many people are looking at the opportunities they have right in their own backyards." - *Ontario Ministry of Agriculture Food and Rural Affairs*

[Raise healthy small flock poultry | ontario.ca](#) "Many people in Ontario own backyard chickens" - *Ontario Government*

[Raising Backyard Chickens — Poultry Industry Council](#) Webinar on owning backyard chickens. Covers animal health and biosecurity as well as other aspects of hen keeping. "Many municipalities in Canada approve the growing of chickens" - *Poultry Industry Council (Canada)*

**Numbers!** Obtained from [Status of ongoing avian influenza response by province - Canadian Food Inspection Agency \(canada.ca\)](#)

Yes, you are reading this right, number of outbreaks are way down. There could be many factors as to why, but heightened biosecurity, restrictions and education are part of it. As below, the outbreaks in non-commercial flocks are less than half than that of commercial. The definition of non-commercial flocks: "Birds raised in smaller flocks of fewer than 300 for producing or selling their products locally for limited sales or for breeding for these purposes."

### **Year of 2022**

Spring of 2022 there were 26 poultry outbreaks in Ontario. (March-May)

Summer 2022 there were 0 poultry outbreaks in Ontario (June-August)

Fall 2022 there were 17 poultry outbreaks in Ontario (Sep-Dec)

2022 had total of 43 poultry outbreaks in Ontario. It prompted Minister's order of Ontario wide ban on commingling of poultry from April 9th through May 20th and Sep 23rd through Nov 21<sup>st</sup>.

29 of the above cases were commercial poultry farms.

14 were "non-commercial", 5 of which were non-poultry. According to the Ontario Ministry of Agriculture, 4 of the 14 were in "small flocks". No record is available to show how many of those 4 were residential or rural zones.

### **Year of 2023**

Spring 2023 there were 4 outbreaks in Ontario.

Summer 2023 there were 0 outbreaks in Ontario.

Fall 2023 there was 1 outbreak in Ontario.

There were not enough cases to prompt any Minister's orders, or the mass closure of bird related events. To the best of my knowledge, most bird shows and auctions were open.

There was a total of 5 outbreaks in Ontario for 2023. 3 of these cases were commercial farms, 2 were "non-commercial". No record is available to show if those 2 flocks were rural or residential, but one was a non-poultry flock.

Teryn Girard, is a veterinarian working in Red Deer and Lethbridge. Recently, the City of Calgary's new urban hen licensing program began. Girard says, "it's possible the outbreak could dissuade some people from getting into what is a growing hobby, but even with the spread she believes backyard chickens can still be safely managed".

To a reasonable extent, commercial poultry farmers must be responsible for their own biosecurity and safety of their flock. They must assume that avian flu virus is everywhere! There is no proof, or instances that suggest, outbreaks at commercial farms are increased because of urban hens that I am aware of.

Song birds (most frequent to back yards), are reported to not be good hosts or carriers of the disease. With this in mind, risk can be further minimized when urban hens are confined in a wildlife proof area and under roof, as per recommendations. The prime hosts and carriers of the avian flu are wild aquatic birds.

Understandably, if a commercial farm or two gets infected, the deaths can be in the hundreds of thousands, because so many birds are in one place. These numbers only speak to the high volume of birds, commercial farms own. With this in mind, allowing small, separate flocks that are kept safe as possible, may even be a great way to have insurance against avian flu by preserving food security and the many heritage breeds.

Complaint driven bylaws, ignore the fact that hens do exist in residential areas. It allows them to continue illegally, unless a complaint is filled. It seems easier to control safety by legalizing and having rules in place.

Urban people are capable of learning how to keep hens healthy. There are many resources available. Many urban people have lived on farms or have education too.

A tendency to happen in small urban flocks, is that owners name each hen. They become intimately familiar with each bird's personality and habits. They become attached to their hens, just as they would any other pet. If any bird was feeling unwell, it would be spotted immediately or in the first few hours. And they would consult with a vet or do research to learn what needed to be done, as they do not want to lose their loved pet!

### **Ontario Cities that allow urban chickens:**

The most recent new city to allow urban hens, is Orillia! Approved March, 2023. A CBC news article states there are 26 Ontario municipalities that allow urban hens. Not all municipal websites make it easy to find, but here is a list of a few.

Orillia [Eggciting news: Council to allow backyard chickens throughout city - Orillia News \(orilliamatters.com\)](#)

Caledon, Ontario [Animal Care and Control By-law 2019-43 \(caledon.ca\)](#)

Quinte West, Ontario [Animals + pets - The City of Quinte West](#)

Kingston, Ontario [Back yard chickens a growing trend in Kingston | CTV News](#)

Waterloo, Ontario [Animals and pets - City of Waterloo](#)

Niagara Falls, Ontario [No web link available](#)

Kitchener, Ontario [Backyard chickens - City of Kitchener](#)

Brampton, Ontario [10 things you didn't know about owning pet chickens in Brampton \(bramptonguardian.com\)](#)

Halton Hills, Ontario [Urban Hens and Backyard Chickens - Halton Hills](#)

Guelph [Guelph's Rules Regarding Urban Chicken Coops | SV Law | SV Law](#)

Kawartha Lakes [Kawartha Lakes launches Backyard Chicken Coop Pilot Project - City of Kawartha Lakes](#)

Norfolk [Backyard Chickens - Government - Norfolk County](#)

Orangeville [Hen Registration - Town of Orangeville](#)

Selwyn Township [Backyard chickens find favour in Selwyn Township \(thepeterboroughexaminer.com\)](#)

Newmarket [Urban Hens \(newmarket.ca\)](#)

Meaford [Backyard Chickens - Municipality of Meaford](#)

### **Outside of Ontario:**

Edmonton [Urban Hens Program | City of Edmonton](#)

Vancouver [Backyard hens | City of Vancouver](#)

Victoria [Backyard Chickens | Animal Control Services \(vacs.ca\)](#)

Kelowna [What it's like to have backyard chickens in the Okanagan \(VIDEO\) \(kelownanow.com\)](#)

Surrey [Backyard Chickens | City of Surrey](#)

Gatineau [Cooped-up Gatineau residents flocking to new hobby: backyard chickens | CBC News](#)

Moncton [Moncton's backyard chicken bylaw draws little interest | CBC News](#)

Whitehorse [Backyard chickens allowed in Whitehorse | CBC News](#)

Fredericton [Fredericton approves backyard chicken bylaw | CBC News](#)

Saint John [Backyard chickens now allowed in Saint John | CBC News](#)

**David Waltner-Toews** is a veterinary epidemiologist and university professor at the University of Guelph. He was founding president of Veterinarians without Borders – Canada, and a founding member of Communities of Practice for Ecosystem Approaches to Health in Canada. He is a specialist in food and water born diseases, zoonoses and infectious diseases transferred from animals to humans.

He is the author of 8+ books and articles of science including; *On Pandemics: Deadly Diseases from Bubonic Plague to Coronavirus*; *The Origin of Feces: What Excrement Tells Us About Evolution*; *The Chickens Fight Back: Pandemic Panics and Deadly Diseases that Jump from Animals to Humans*; *A Conspiracy of Chickens: a memoir*; *Ecosystem Sustainability and Health: a practical approach*.

His books have won awards in the US and Canada, and have been published in Japanese, French, Chinese and Arabic.

- *2007 Finalist, Canadian Science Writers' Association Book Award, for Chickens Fight Back*
- *2014 Outstanding Contribution to the Field of Eco-Health*
- *2014 Silver Medal, Independent Publisher Book Awards (Environment/ ecology/ nature)*
- *2014 Finalist, Canadian Science Writers' Book Award for The Origin of Feces*
- *2019 Covetrus International Veterinary Community Service Award "veterinarians who have exhibited exceptional acts of valour and commitment in the face of adversity to service the community."*
- *2022 Appointed an Officer of the Order of Canada for his "leadership and expertise in ecosystem approaches to health, and for supporting development worldwide."*

These are David Waltner-Toews thoughts on urban chickens:

“The risks of disease transmission from small backyard flocks to people are no higher (and probably lower) than those from pet dogs, cats, caged birds, pigeons, and urban wildlife. The general scientific consensus is that the most effective approach to managing the risks related to backyard hens and HPAI (highly pathogenic avian influenza) should be similar to that taken for those other (higher risk) pets. Many of the fears associated with allowing urban poultry are rooted in a post-Covid sense of panic, a response which rarely serves public health well. Current understanding of urban ecology can enable cities to promote well-managed urban flocks, minimizing possible



disease risks, and promoting the positive impacts of redirecting household food waste to chickens, proper composting, and adapting to climate change. Carefully managed, these small urban flocks are a wonderful opportunity for education and sharing of information about public health, food safety, zoonotic disease management, and animal welfare. My great frustration in teaching epidemiology and food safety over the years has been that so few consumers have any realistic notion of local ecology or where their food comes from. Hence these consumers are vulnerable to a variety of charlatans arguing for fantasized zero-risk approaches to health in complex social and biological ecosystems. This results in the destruction of habitats which are essential for pollinators and wild bird populations. Rearing of poultry on a small scale within city limits can begin the process of redressing this profound ignorance. If we do not make room for these urban entrepreneurs, we risk losing a very important educational opportunity, as well as food-rearing skills that will enable us to better navigate the economic, climatic and environmental instability our society will face in the coming decades. Cities like New York and Vancouver have recognized this.”

(Source can be provided)

[Outlawed chickens: Rural Ontario residents confused by strict bylaws | CBC News](#)

News article, Dated 2023, near Ottawa - Shows that chicken bylaws in Ontario are “patchwork” and in communities with a large agricultural presence, “backyard chickens” were not wanted long before Avian flu became a concern. It was the same in Pelham. Pelham’s bylaw, created in the 1980’s, restricted all chickens in Pelham to only properties with 25 acres or more. So, for many years, all chickens were illegal in Pelham, unless you owned a large farm. This was reduced to 1 acre in 2023, but there is still a large residential support for pushing it down to ½ acre – and a large agricultural opposition.

The township of Springwater, Ontario has an interesting policy! [Backyard Chickens \(springwater.ca\)](#)

“Following a three (3) year pilot program licensing the keeping of backyard chickens, Council has approved the continuance of the licensing program, with a limit of no more than 25 licenses being issued across the Township annually.”

“Current Licenses and Waitlist Numbers:

- There are currently 8 active licenses and 17 available licenses.

I am not sure if Avian flu vaccine is available in Ontario for birds, but Merck (pharmaceutical company) [Avian Influenza - Poultry - Merck Veterinary Manual \(merckvetmanual.com\)](#), says, “Vaccines matched

for antigenic type can greatly increase resistance to infection, prevent clinical signs, and decrease viral shedding in infected flocks”.

One last bit of information, is regarding Chatham-Kent’s current quest for backyard hens. Based on submitted material, they are said to be bringing a report forward, Spring 2024, for consideration. In that submitted material is a letter from Kent Federation of Agriculture [Attachment B - Kent Federation of Agriculture Letter.pdf \(chatham-kent.ca\)](#), written by Brad Snobelen. As per my experience, the agricultural community does not support residential hens, out of false fears. Brad’s letter states, “It has been proven that contamination of commercial flocks originates in urban areas”. **This has been proven? Where? How? Where is the source information?** Is he talking about the situation with live bird markets in Asia? By far, the most outbreaks in Ontario, have been in commercial poultry farms. To date, 32 commercial farm outbreaks vs. 6 non-commercial. And we can’t even say how many of those 6 were urban or rural and the size of the flock.

Brad also states, “in fact, the first detection in Ontario in 2023 was in a backyard flock located right here in Chatham-Kent”. I looked this specific outbreak up, in the Chatham-Kent area, and the primary control zone was centered in a rural location, not urban! The control zone started at intersection of Pinehurst Line and Mull Road. [Bird flu detected in Chatham-Kent | Wallaceburg News | Local news in Wallaceburg, Dresden and surrounding areas. \(sydenhamcurrent.ca\)](#). The website lists it as a “non-commercial” poultry flock of less than 300 birds. Privacy laws prohibit giving out more information than that. So, for Brad to say, that it was a backyard flock, in the context of considering urban hens, is misleading. In fact, the very first outbreak in Chatham-Kent, was in 2022 and was a commercial poultry farm!

In conclusion, there are no reports or facts to support that any past outbreaks were sourced and originated from a small backyard chicken flock of 3 to 4 chickens.

**From:** Christos Skotidas <  
**Sent:** February 7, 2024 12:57 PM  
**To:** Justin Paylove <[jpayscale@westlincoln.ca](mailto:jpayscale@westlincoln.ca)>  
**Subject:** Backyard Chickens File No. 1601-002-24

Dear West Lincoln Councillors,

I would like to address the economic, social and environmental benefits of allowing backyard chickens within the town as it applies to File No 1601-002-24.

**Economic:** West Lincoln residents that would choose to raise backyard chickens would be contributing to the local economy. This would benefit the local economy in a way that would far offset the \$5 a family would not be spending at the grocery store for a dozen eggs. There are several businesses in the area that would benefit with new customers. Lowden's feed would see an increase in traffic for feed and bedding supplies. Home Hardware, Turkstra and The Wood Shed would see new customers looking for supplies to build and maintain coops and chicken tractors.

**Social:** Families with children would benefit from the learning opportunities, an increase in responsibilities and the mental health benefits. Raising backyard chickens teaches children cleaning, not only cleaning the chickens but hygienic cleaning as this leads to increased hand washing. It teaches children empathy and respect by learning to care for a living creature that isn't bred to please you like a trained animal (example: a dog). By introducing a daily routine for feeding and care, children develop structure which reduces stress and helps maintain focus. A new daily outdoor chore reduces screen time which has been proven to affect cognitive abilities and academic performance in children. We could all use a little more outside time. Introducing backyard chickens makes this a daily occurrence.

**Environmental:** Chickens are natural foragers. They love to dig around looking for insects to eat and that includes ticks. I know personally in the last few years my family has seen an increase in ticks on our selves and on our pets from visiting local parks and even in our backyard. They spread disease and by introducing a natural method of controlling the tick population we can all benefit. Chickens also love to eat kitchen scraps. Introducing backyard chicken flocks would decrease the amount of waste we are putting into our green bins. Residents can also compost chicken waste and use it to fertilize our gardens.

I would like to see one chicken allowed per family member in order to provide an adequate supply of eggs for a family. Thank you for taking the time to read this email. I hope you take these benefits into consideration for allowing backyard chickens within the Township of West Lincoln's residential areas.

Christos Skotidas

-----Original Message-----

From: Roland Hultink <>

Sent: February 6, 2024 5:51 PM

To: Justin Paylove <[jpaylove@westlincoln.ca](mailto:jpaylove@westlincoln.ca)>

Subject: Backyard chickens

Hi jpay,

I would love to hear the sound of chickens and even roosters in town where I live knowing people were taking their sustenance needs into their own hands, as I believe we all should as much as we can. Cows and goats are good, a plot every neighborhood for communal vegetables, neighborhood bartering, community, communication, connection. Local allies shaping the bigger picture. A marriage of commercial and residential zones. I get my eggs from down the street, and a lot of my veggies are grown right here. We're scared of safe food-handling. We shouldn't be.

Let's do this.

Thanks, Roland

Sent from my iPhone



**From:** Karl Barn <>

**Sent:** January 29, 2024 9:10 PM

**To:** Justin Paylove <[jpaylove@westlincoln.ca](mailto:jpaylove@westlincoln.ca)>

**Subject:** File No. 1601-002-24 "Backyard Chickens"

Greetings Justin Paylove and West Lincoln staff,

My partner and I moved to Grimsby this past summer with having legal backyard chickens in mind, so I have both strong feelings and firsthand experience with the practice of backyard chickens. I've included my past experience, benefits vs drawbacks, and a summary below in headings for ease of reference. I am available by phone, email, and mail for further comment and recommendations.

**Past personal experience:**

At our past residence in the North End of Hamilton's downtown, we had 4 backyard chickens raised from chicks we purchased from a hobby farmer. We had no prior experience with chickens or animal husbandry. The closest relevant experience I had with chickens was as a former butcher.

With the aid of internet research, online communities, and very few major purchases, we raised 4 healthy hens for 4 years in our .2 acre tree-rich backyard. We constructed a breathable all-season coop and run out of used construction materials. We allowed them to free run around the backyard under supervision. During vacations, our neighbors would often jostle for the right to watch over their food, water, and clean bedding in exchange for eggs.

We gave the chickens to a hobby farm prior to our move to Grimsby.

**Benefits and Drawbacks:**

Backyard chickens are a manageable challenge and require attentive owners like most domestic animals. They require adequate shade, shelter, and room to roam whether that's in a contained run or a secure fenced backyard. This already implies a base level of financial privilege.

In addition, they also need a clean coop; we found with 4 birds the coop needed to have the bedding changed every 2 days. Again, this maintenance is much like a cat litter box

Owners without the means to construct their own coop and run can easily purchase such items, in addition to quality of life items like automatic coop doors, from local stores like Peavey Mart.

Our past neighbours did have a rooster and saw great benefits: Roosters keep hens safe, guide laying hens to nesting boxes and food, and break up squabbles. However, roosters crow frequently when awake, with a sound of around 90 decibels, compared to a medium dog bark of 70 decibels or a large dog bark around 113 decibels for comparison. Chickens go to bed reliably at sundown, at which point this stops unlike as with a barking dog. Roosters may still not be suitable for urban settings except perhaps via written permission of their neighbours.

However, raising backyard chickens provides residents with a greater connection to their food, in addition to food security, companionship, and the birds readily eating pests such as ticks and mice. Given the staggering increase in the cost of food and living, as well as the growth in pest insect

populations due to climate change and globalization, these benefits are not to be overlooked regardless of any opportunity cost.

**Summary & Conclusion:**

The experience of my partner and I in raising backyard chickens with no prior experience shows that any able bodied enterprising Canadian with internet resources and the interest in backyard chickens can raise healthy productive hens. For the up-front cost of some feed, hay, and a decent coop and run, one can gain food security, pest control, and companionship in an increasingly expensive and divided world. What's more, our experience also shows that sharing in backyard chickens with ones neighbours builds community relationships and solidarity.

The challenges of backyard chickens include up front cost, ownership of a secure backyard or decent space for a run, and cleaning slightly less rigorous than a cat litter box. Illnesses are dealt with via veterinarians and home remedies similar to domestic animals.

I urge the West Lincoln Planning Committee to consider this great opportunity to enhance the lives and food security of their community while forging an appreciation for the agriculture that already enriches the Niagara region.

Thank you for your time and feel free to get in touch,

Karl Bridges

51 Ridge Rd E, Grimsby ON

L3M 4E7

**From:** Warren Gamble  
**Sent:** January 16, 2024 2:45 PM  
**To:** Justin Paylove <[jplove@westlincoln.ca](mailto:jplove@westlincoln.ca)>  
**Subject:** File No. 1601-002-24 Backyard Chickens

Good day , this letter is in opposition to the Backyard Chicken proposal. Your reasons within the online review have been stated for and against and are documented. Grimsby recently had to strengthen its bylaws for similar reasons relating to predators.

What is missing is the costs that are to be associated with the proposal. As a tax payer residing within our community, concerns about adding costs associated with this proposal are not being considered and my inevitable tax increase should not be used toward this proposal as we all struggle with tax increases

My reasons for consideration are listed below:

1. Permits- if approved what is the cost to the individual homeowner
2. Enforcement- What is the plan for Enforcement on # of hen (no roosters)
3. Noise Complaints- Who do we call , who is responsible for costs associated with a home visit for follow up (homeowner)
4. Odour- What is the plan waste disposal (risk of illness from bacteria)
5. Inspection- Cost for site visits. Animal control will need to be involved to ensure rules are followed as well as pickup of any stray chickens(homeowner)
6. Avian Flu - H5N1 virus was the cause for indefinite pause of the proposal in Toronto. This should be a major concern as this virus goes right down the food chain. This was an issue at the Poultry Fest at West Niagara Fairgrounds a few yrs back
7. Minimum Lot Size - What is the minimum lot size
8. Consideration of Others - Health concerns for those of us that may be partially house bound and enjoy the summer use of the rear yard with family and friends. We have worked our entire lives to enjoy this simple privilege and now are to be shared with Chickens , Noise and Odours
9. Root Cause Analysis - Ticks are the root cause, low cost solution is to allow the homeowners to cut the tall grass and create a buffer zone of 6' to 8' with no repercussions from the city ,thereby removing the concern as typically Ticks reside in tall grass

In closing ,I live in an area of Smithville that is largely comprised of retired individuals. We rely on each other for assistance from time to time for simple things such as snow removal in driveway, grass cutting or just a helping hand. I have watched this proposal create such an issue that people that helped each previously other no longer speak.

Warren Gamble  
28 Manorwood Dr.

**From:** Anne Arguin

**Date:** January 18, 2024 at 8:04:54 PM EST

**To:** Justin Paylove <[jplove@westlincoln.ca](mailto:jplove@westlincoln.ca)>

**Subject:** File No.1601-002-24 Backyard Chickens

Good day, this letter is about our opposition to the Backyard Chicken proposal.

My reasons for opposing the proposal of having Chickens in residential homes in Smithville are:

1. I was born on a farm with chickens and know the smell, noises, rodents and roaming habits that comes with having a chicken coop in the yard.
2. Chickens also attract rodents such as rats, mice etc.
3. Our house backs onto the 20 mile Creek and I know there are coyotes in between our home, the green space and the township walking path.
4. Some of my neighbors and myself have heard and seen coyotes in this area on a regular basis.
5. Two years ago a coyote literally tore a rabbit in half on my winter pool cover. The dog next door scared it off by barking at it. I had taken pictures of the gory mess of blood and rabbit parts scattered across the backyard. Once my daughter saw the goriness of the pictures she did not want her children to see them because she feared that they would be too scary for them to see, so I deleted them.
6. If the proposal to allow Backyard Chickens goes through, there will be a cost for officers to monitor the rules and regulations which will end up costing extra taxes onto the citizens that don't want Backyard Chickens.
7. Avian Flu-H5N1 in our community would devastate our chicken farming industry. We are known as the Chicken Capital of Canada.
8. Our neighbour wants chickens in her backyard because of the tick problem. I feel the town should allow the homes backing onto the wild tall grass areas behind them, to be allowed without repercussions to cut the grass approximately 6 to 8 Feet beyond the fence. This would create a barrier so that the ticks that typically reside in tall grasses would then stay in the tall grasses and away from our backyards.
9. Our other concern would be the roaming of chickens into other yards. Who would be responsible for the removal of the roaming chickens? Who would be paying the cost for the removal of the chickens?
10. My wife is partially housebound due to medical issues. If this proposal is approved, her limited ability of enjoying our backyard (including pool) with family and friends will be taken away from her! Instead of enjoying the beautiful scenery and quiet days in our backyard, it will mean changing that tranquility with the noise, odours, unwanted coyotes & rodents, chickens and potentially increased taxes which would be an unwanted burden to the majority of seniors residing in our Smithville neighbourhood.



In closing we have seen that this proposal is already causing neighbours who once were friendly and helping each other out (driveway snow removal , grass cutting etc.), are no longer speaking, which unfortunately, will continue to worsen relationships.

Gilles Arguin

19 Manorwood Drive

Smithville, Ont L0R 2A0

**From:** Wilson, Connor <[Connor.Wilson@niagararegion.ca](mailto:Connor.Wilson@niagararegion.ca)>  
**Sent:** January 17, 2024 4:17 PM  
**To:** Stephanie Pouliot <[spouliot@westlincoln.ca](mailto:spouliot@westlincoln.ca)>  
**Cc:** Scholten, Yves <[Yves.Scholten@niagararegion.ca](mailto:Yves.Scholten@niagararegion.ca)>; Bureau, Stephen <[Stephen.Bureau@niagararegion.ca](mailto:Stephen.Bureau@niagararegion.ca)>; Development Planning Applications <[devtplanningapplications@niagararegion.ca](mailto:devtplanningapplications@niagararegion.ca)>  
**Subject:** RE: NOTICE OF PUBLIC MEETING for February 12, 2024

Good Afternoon Stephanie,

Please advise that 1738 Caistor Gainsborough Townline Road is exempt from regional review per our MOU guidelines regarding the rezoning to 'Agricultural Purposes Only' as part of the condition of consent (Township File No. B05/2023WL).

Additionally, Regional staff will not be providing comments regarding the Update of Accessible Parking Regulations nor the Backyard Chickens.

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:** Stephanie Pouliot <[spouliot@westlincoln.ca](mailto:spouliot@westlincoln.ca)>  
**Sent:** January 12, 2024 4:01 PM  
**To:** Development Planning Applications <[devtplanningapplications@niagararegion.ca](mailto:devtplanningapplications@niagararegion.ca)>; Wilson, Connor <[Connor.Wilson@niagararegion.ca](mailto:Connor.Wilson@niagararegion.ca)>; Meghan Birbeck <[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)>; Dunsmore, Susan <[Susan.Dunsmore@niagararegion.ca](mailto:Susan.Dunsmore@niagararegion.ca)>; Bureau, Stephen <[Stephen.Bureau@niagararegion.ca](mailto:Stephen.Bureau@niagararegion.ca)>; Scholten,

Yves <[Yves.Scholten@niagararegion.ca](mailto:Yves.Scholten@niagararegion.ca)>; Busnello, Pat <[pat.busnello@niagararegion.ca](mailto:pat.busnello@niagararegion.ca)>; Justin Paylove <[jpaylove@westlincoln.ca](mailto:jpaylove@westlincoln.ca)>; Jessica Dyson <[jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca)>; Jennifer Bernard <[jbernard@westlincoln.ca](mailto:jbernard@westlincoln.ca)>; Ray Vachon <[rvachon@westlincoln.ca](mailto:rvachon@westlincoln.ca)>; John Bartol <[jbartol@westlincoln.ca](mailto:jbartol@westlincoln.ca)>; [lkillins@live.com](mailto:lkillins@live.com); Tim Hofsink <[thofsink@westlincoln.ca](mailto:thofsink@westlincoln.ca)>; 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](mailto:clark.euale@ncdsb.com); Consultation <[consultations@metisnation.org](mailto:consultations@metisnation.org)>; [hdi@bellnet.ca](mailto:hdi@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); Dawn LaForme <[dlaforme@sixnations.ca](mailto:dlaforme@sixnations.ca)>; Lonny Bomberry <[lonnybomberry@sixnations.ca](mailto:lonnybomberry@sixnations.ca)>; Jennifer Dockstader <[executivedirector@fenfc.org](mailto:executivedirector@fenfc.org)>; Chris Shawanoo <[executivedirector@nrnc.ca](mailto:executivedirector@nrnc.ca)>; Lisa Kasko-Young <[lyoung@westlincoln.ca](mailto:lyoung@westlincoln.ca)>; [andrew.carrigan@canadapost.ca](mailto:andrew.carrigan@canadapost.ca); [newdevelopment@rci.rogers.com](mailto:newdevelopment@rci.rogers.com); [randy.leppert@cogeco.com](mailto:randy.leppert@cogeco.com); DL-Council Members <[DL-CouncilMembers@westlincoln.ca](mailto:DL-CouncilMembers@westlincoln.ca)>; Leroy Hill <[jocko@sixnationsns.com](mailto:jocko@sixnationsns.com)>; [westlincolnchamber@bellnet.ca](mailto:westlincolnchamber@bellnet.ca)  
Cc: Brian Treble <[btreble@westlincoln.ca](mailto:btreble@westlincoln.ca)>; Gerrit Boerema <[gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)>; Jeni Fisher <[jfisher@westlincoln.ca](mailto:jfisher@westlincoln.ca)>; Madyson Etzl <[metzl@westlincoln.ca](mailto:metzl@westlincoln.ca)>; Susan Smyth <[ssmyth@westlincoln.ca](mailto:ssmyth@westlincoln.ca)>; Justin Paylove <[jpaylove@westlincoln.ca](mailto:jpaylove@westlincoln.ca)>

**Subject:** NOTICE OF PUBLIC MEETING for February 12, 2024

**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 Afternoon,

Please find attached three notices for the upcoming Public Meetings scheduled for February 12, 2024 at 6:30 PM.

There are four meetings scheduled for February 12, 2024 including one application for a temporary use by-law to permit a garden suite (will be sent separately), one application as a condition of consent, one regarding backyard chickens, and another regarding an update to accessible parking.


If you have any questions or comments, please feel free to reach out.

Kind regards,

Stephanie

***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.*

	<b>Stephanie Pouliot</b>
	<b>Planner I</b>
	Tel: 905-957-3346 ext. 5140 Email: <a href="mailto:spouliot@westlincoln.ca">spouliot@westlincoln.ca</a> Web: <a href="http://www.westlincoln.ca">www.westlincoln.ca</a>
	

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January 31, 2024

**Town Council of West Lincoln**

318 Canborough St. P.O. Box 400

Smithville, ON

LOR 2A0

By email: [jpayscale@westlincoln.ca](mailto:jpayscale@westlincoln.ca)

**Re: Public Consultation – Backyard Chickens (File No. 1601-002-24)**

Dear Council Members,

Thank you for the opportunity to provide input to help inform the Planning Committee of the Township of West Lincoln's evaluation of the appropriateness of permitting chickens on a small-scale basis for residential use. My family has been farming in West Lincoln since 1978 and I am proud to be the fourth generation to carry on this tradition. As an egg farmer, I am committed to producing fresh, high-quality eggs of local production, all while ensuring the welfare and well-being of the hens under my care and the sustainability of our sector. Through my experience, I know first-hand that producing food is a great source of pride, but it is also a significant responsibility that needs to be carefully considered. As the Committee evaluates an approach for our township, I encourage thoughtful reflection and consideration of the following areas:

- In order to raise poultry in a residential environment, there are several factors to consider. For example, hens require nutritionally balanced feed, clean water, protection against predators and an appropriate shelter to protect them against inclement weather, including a heated enclosure during winter months. When hens are sick, they also require care from qualified veterinarians. Backyard flock owners must be well positioned to both access and offer these items to meet the basic needs of the hens in their care.
- Properly taking care of hens in a residential environment often requires some physical adaptations to a typical backyard, a daily time commitment to tend to the flock, and a great deal of expertise. Owners must also know how to monitor and identify illnesses that affect the health of hens, such as mites, highly pathogenic avian influenza and Infectious Laryngotracheitis. These parasites and viral infections can spread quickly among birds—to neighbouring flocks and to commercial operations in the area—and can result in sudden mortalities or the need to humanly euthanize a sick or injured bird. Swift action is required by owners to identify issues, contain the outbreak and disinfect the premise, sometimes in accordance with specific protocols outlined by the Canadian Food Inspection Agency.
- In some cases, vaccinations can help reduce the spread of disease within flocks; however, accessing commercially available vaccines can be difficult for backyard flock owners and vaccination programs can often be costly. Vaccination strategies would be an essential point for backyard chicken owners to discuss with their hatchery or pullet grower (the place they

purchase their baby chicks) to ensure they are well informed, consider their options and address matters of importance.

- Strict biosecurity protocols are paramount in mitigating the risk of serious diseases or pathogens that affect hens, chickens and other poultry. These important steps also help reduce the risk of accidentally exposing yourself to an animal disease or pathogen. My farm, along with every registered Canadian egg farmer across Canada, follow comprehensive on-farm animal care and food safety programs with routine inspections to ensure the hens are receiving the care that they need, every day, and that effective biosecurity protocols are followed by all those who come in contact with the birds. While some guidance towards biosecurity or animal care protocols for backyard chicken owners can be found online, these measures may not take into consideration the unique characteristics of a region or have means to ensure adequate application of the measures.
- As our township considers the many important factors when it comes to caring for chickens in a residential environment and the impact on the surrounding community, it is also important to consider the potential administrative responsibilities of this initiative for the municipality. For example, ensuring there are adequate resources available to create and oversee a centralized registry program so bylaw knows the location of the backyard chickens. In the event of the detection of disease in the region, this resource would allow for industry and other enforcement groups to draw on the information to help mitigate further spread through control zones and other measures.

In conclusion, I appreciate the opportunity to share the perspective of a multi-generational egg farmer as the Planning Committee of the Township of West Lincoln considers this important topic. Our township is known for its strong agriculture community and progressive approach, and discussions like this further strengthen that approach.

Sincerely,

Jacob Pelissero  
Local egg farmer

Township of West Lincoln  
318 Canborough St.  
Smithville, Ont.

January 16, 2024

**RE: File No. 1601-002-24 Backyard Chickens**

Dear Madam Mayor and all members of the Council,

Someone asked me to fill out the survey on chickens the other day, and I was surprised by the fact that a few chickens were no longer allowed in the urban area of Smithville. The survey did not seem to cover my areas of concern, so I'll include them here.

Smithville has chickens...that is a fact, and as far as I am concerned, they have never caused problems. I don't know when the ban on chickens occurred, but unfortunately, it has left a lot of hen/pet owners in a predicament. A few chickens in a private backyard seem benign; they are comfort creatures causing little disturbance, if any.

Avian influenza is not specifically a 'chicken flu', but it can become a major problem in agricultural operations or 'factory farming' due to quantity. This is not an issue in an urban backyard. A backyard hen is a pet that has bonded with its owner. Like all pets, they can get sick, and like all pets, they must be dealt with appropriately; this is clearly understood by most pet owners.

A few hens would be less problematic to surrounding backyards, than a roaming cat or barking dog. Chickens will kill rodents; they don't cause them. It's the careless handling of feed, waste and the lack of property maintenance that cause problems. This applies to all pets scenarios, not just chickens. A greasy barbecue on one's back deck will also attract rodents.

Hens are social and require their flock, just as many birds in the wild. They also develop a 'pecking order' so numbers are important. A solitary hen would not be a happy pet. The appropriate urban flock size would probably be 4 birds, to ensure that their social needs are met in case there is a loss.

The **Property Standards By-law** and **Animal Care and Control By-law** already seem to be adequate in controlling all pet yard-related problems, except for the fact that hens are recognized as 'livestock' and not potential pets. Should rules prevent a family from pet hens as their preferred choice of pet? It seems that through the years, pets have evolved from the position of being 'owned' to that of being a 'member' of the family.

My concern with too many guidelines is that they serve to discourage the full enjoyment of one's private backyard. They also serve to give more fuel to the intolerant neighbor. Complaints of all nuisance pets, cleanliness and yard conditions seem to be sufficiently covered in the existing by-laws.

I read the article in the Grimsby/Lincoln News of Nov. 16, 2023, and found it disturbing. Ms. Pavlidis's hens were her 91-year-old mother's joy, and that joy was taken away from her due to a misconception between hens as 'pets' and those as 'livestock'.

Sincerely,  
Magdalene Boilard,  
Smithville

# DR. MIKE'S TOP 12 HEN CHORES

## *A dozen daily jobs to keep backyard hens healthy and safe in urban settings*

1. Feed a commercially produced ration specifically designed for laying hens, generally not available at pet stores. It is difficult to make a balanced diet at home, and should only be done if you are very experienced and knowledgeable.
2. Do not feed more than a minimum of treats. Mealworms, scratch grains, table scraps and other treats are nutritionally deficient, and if they make up more than 5-10% of the hen's ration, they can lead to nutritional diseases.
3. Failing to provide sufficient amounts of clean water each day can lead to infection and illness. This can be challenging in the winter.
4. Hens need shade on hot days and a source of warmth on cold days.
5. Learn how to recognize discomfort or disease in your flock. Chickens are naturally stoic and the signs of pain and illness are subtle. The majority of hens that are described by their owners as dying suddenly have had chronic issues that had gone unnoticed. Observe all of your chickens daily and look carefully for changes in activity or behaviour.
6. Keeping your coop and run clean is important for both chicken and human health. Have a plan to deal with the nearly 1kg of manure that each hen produces each week. Composting a significant amount of manure is very difficult because of the high nitrogen levels and acidity.
7. All livestock, including chickens, can be carriers of diseases which can be transmitted to humans who are in close contact with them, especially children. It is important to learn how to handle and care for hens without accidentally exposing yourself to animal diseases which can have serious consequences. It is also important to wash your hands every time after handling your chickens, their eggs, or working in the coop.
8. Hens can live to be 7-10 years old. Older hens need to take a break from egg production periodically. Going out of production is termed molting, occurs naturally, and is necessary for older hens to remain healthy. Have a plan for how you will deal with birds that are transitionally out of production, or are done the egg laying portion of their lives. This includes having a safe plan for disposal of any chickens that die under your care.
9. Be aware that many treatments and medications that are given to hens will end up in your eggs. Understanding and respecting withdrawal times for medications given by yourself or your vet are necessary to ensure that contaminated eggs are not eaten.
10. New birds coming into your flock should be vaccinated if at all possible. Most viral diseases such as Marek's Disease and Infectious Laryotracheitis (ILT) are not treatable and are devastating to flocks, but can be prevented through vaccination.
11. Be sure to lock up the chickens at night to keep them safe from skunks, rats, raccoons and neighbourhood pets who will eat the hens and their feed.
12. Eggs are porous and can absorb invisible harmful bacteria if not handled properly.

Avian influenza has become a serious threat to poultry around the world in the past several years. The disease is devastating to both hobby and commercial flocks. If you have sudden, unexplained mortality in several birds, call the Canadian Food Inspection Agency hotline at 226-217-8022 to get testing for this catastrophic disease so it cannot spread to other flocks.

## Small Flocks Have Risks - A Vet's Perspective

Prospective small flock hen keepers need to worry about protecting hen and human health.

More municipalities are allowing for the keeping of backyard hens, and interest in keeping chickens for enjoyment and egg production is growing.

- Proper care of hens is more complicated than keeping other pets because poultry have different biological needs, get several diseases that can be transmitted to people, and because unlike pets, hens produce something that we eat. Chickens are indiscriminate in where they deposit their droppings. Any area chickens have access to should be considered to have fecal contamination.
- Even healthy hens will lay eggs with bacteria on the outside of the shell. Proper handling of the eggs is crucial in preventing these bacteria from penetrating into the egg or contaminating anything they contact. Contact your doctor if any disease or infection occurs, and inform medical professionals that you are in regular contact with chickens.
- Animal welfare in small flocks is only good if the caregiver is knowledgeable and conscientious. Providing adequate space, protection, nutrition and environmental conditions are imperative for the well-being of your hens. If you aren't sure of minimum requirements for hens, consult the Canadian Code of Practice produced by National Farm Animal Care Council at: [nfacc.ca/codes-of-practice/pullets-and-laying-hens](http://nfacc.ca/codes-of-practice/pullets-and-laying-hens). Also check out Ontario's small flock website at: [smallflockontario.ca](http://smallflockontario.ca).
- Protecting your birds from predators is a major consideration for the well-being of your flock. Developing a safe environment that can protect from common predators including raccoons, rats, snakes, skunks, owls, hawks, dogs, cats, weasels and other predators takes forethought, investment and vigilance.
- Veterinary care for your flock is fundamental for both your health and the health of your birds. Establish a relationship with a vet who is knowledgeable about poultry before you have a problem. Vets are a great resource for care, nutrition and prevention as well as disease control.
- Chickens are indiscriminate peckers. The most effective way to prevent your flock from getting a disease is to keep it out of the chicken yard.
- Biosecurity is a concept that must be understood and implemented by all backyard chicken keepers. Quarantining incoming birds and separating your hens from other birds, other flocks and other people associated with chickens are major components of maintaining a healthy flock.

## DID You Know?

### manure

A hen excretes approximately 2 lbs of manure per week!

### health

A hen may appear healthy, but can be laying eggs to the detriment of their own health if not properly cared for.

### feed

Laying hens need feed that is especially high in protein and calcium. The high calcium level that a hen needs in her diet would be toxic to non-producing animals such as a cat or dog.





## Small flocks have risks

*What prospective small flock egg farmers need to worry about protecting hen and human health*

Raising livestock in Ontario typically requires agricultural property zoning but some municipalities are pilot-testing the raising of egg-laying hens in any residential environments.

Proper care of chickens requires some physical adaptations to a typical backyard, a daily time commitment to caring for the hens 365 days-a-year, a lot of preparation, and a great deal of expertise.

Local health units should always be consulted. Most have serious disease-related concerns about hens in residential areas. These are heightened by animal-human disease transmission related to many of the serious human outbreaks in history.

Most humane societies also have increased animal welfare concerns about backyard flocks and should be consulted.

If you are considering having a backyard flock of your own, here is an example of a Top 10-style chore list you could use as a starting point.

### Did you know?

- A hen excretes about 1 kilogram of manure every week. It adds up!
- A hen can appear healthy, but can be laying eggs to the detriment of their own health if not receiving proper diet and care.
- Laying hens need feed that is especially high in protein and calcium. The high calcium level that a hen needs in her diet would be toxic to other animals such as a cat or dog.

## Dr. Mike's Top 10 Hen Chores

*The challenges of keeping hens healthy and alive in urban settings*

- 1 Chicken feed must be purchased from a specialized supplier. Pet food stores are not known to carry the feed hens need.
- 2 To be comfortable, hens need shade for hot days, and a heat source for cold days.
- 3 Be sure to lock up the chickens at night to keep them safe from skunks, rats, raccoons and neighbourhood pets who will try to eat the hens and their feed.
- 4 Failing to provide clean water every day can lead to hen infections and illness.
- 5 Eggs are porous and can absorb invisible harmful bacteria if not handled properly.
- 6 Educate yourself on the different warning signs that indicate a hen is ill. Hens require vaccinations and health care from a qualified veterinarian.
- 7 It is not appropriate to compost chicken manure due to the high level of minerals (especially phosphorus) in the manure, which can stop the composting process in typical backyard composters. Develop a plan for how to dispose of your chicken manure.
- 8 All livestock including chickens can be carriers of diseases which can be transmitted to humans who are in close contact with them including children. It is important to learn how to handle and care for hens without accidentally exposing yourself to an animal disease such as Avian Influenza.
- 9 Hens can live to be 7-10 years old. An older hen needs to take a break from egg production periodically. Going out of production is termed molting, and occurs naturally, and is necessary for old hens to remain healthy.
- 10 Any area where animals live will become increasingly contaminated the longer animals are housed there. Plan to have "down time" when no poultry live in the yard, which will give you a chance to decontaminate the area, and break the life cycle of the bacteria and viruses.

Being an Urban Egg Farmer can be a rewarding experience and a great source of pride. However, failing to do these daily chores can severely affect hen health, hen welfare, egg quality, and consequently, human health.

**Dr. Mike Petrik, DVM, Poultry Veterinarian**

*This list of Top Ten Hen Chores was prepared by Dr. Mike Petrik, DVM, on behalf of Egg Farmers of Ontario.*



**Community Planning and Development Department**  
Wednesday, July 05, 2023

**Subject:** Backyard Hen Licensing By-law

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2023-0152, for information;**

**AND THAT Council direct Planning and By-law Staff to prepare the Licensing By-law to permit, regulate and license hens in the Town of Pelham for the next Council meeting.**

**Executive Summary:**

The purpose of this report is to provide Council and the public with information and recommendations regarding the keeping of hens in the Town of Pelham on residential properties where they are currently prohibited.

**Location:**

The proposed By-law to licence, regulate and govern the keeping of a maximum of 6 hens in the Town of Pelham ("Backyard Hen By-law") will apply to all areas within the Town on residential properties subject to meeting the minimum lot size and setback requirements and which are not considered to be agricultural properties.

**Background:**

At its October 3, 2022 Council meeting, Council considered Community Planning and Development Report #2022-0220: Urban Hens. This report provided a policy analysis, best practice review and general information on the keeping of hens outside of traditional agricultural settings and proposed requirements such as setback and lot size requirements, hen coop and run requirements, feed and waste storage and disposal requirements and fees in the urban area of the Town. As part of this report, Staff detailed methods for permitting and regulating hens in the urban area.

Council elected to continue to prohibit hens in the urban area but directed Staff to review and report back with recommendations regarding the keeping of hens in the rural areas of the Town.

At its November 7, 2022 Council meeting, Council considered Community Planning and Development Report #2022-0252: Rural Hens Licensing By-law. This report provided specific details on the structure of a licensing by-law including key provisions such as setback and lot size requirements, hen coop and run requirements, feed and waste storage and disposal requirements and fees in the rural area of the Town only, i.e., outside of the urban area boundary. The report also outlined the application process, including the fee structure, licensing requirements, enforcement options and education materials.

As Council was nearing the end of its term, following the 2022 fall election, Council deferred this matter until January to allow the new Council to decide on the matter.

At its January 9, 2023 Council meeting, Council once again considered Planning and Development Report #2022-0252 and referred the matter to the newly created Agricultural Advisory Committee for its review and recommendations with respect to the keeping of hens on a townwide basis (urban and rural) prior to Council making a decision.

**Analysis:**

The proposed draft Backyard Hen Licensing By-law seeks to permit the keeping of up to 6 hens (defined as a female chicken over the age of 4 months) on properties within the Town that are a minimum 0.4ha (1 acre) in size; no other type of hens would be allowed, and roosters are also prohibited. The licensing By-law proposes specified parameters including a coop size which would not trigger Minimum Distance Separation (MDS) calculations among other matters including setbacks from adjacent properties. The keeping of hens would be an accessory use to a residential use and would not apply to poultry keeping as part of an agricultural or farm use.

**Proposed Hen Licensing By-law:**

The keeping of hens in accordance with the proposed licensing By-law would be in keeping with the policies of the Provincial Policy Plan, the Growth Plan and the Region of Niagara Official Plan. In terms of the Town's Official Plan and Zoning By-law the keeping of hens would be considered an accessory use to a permitted residential use. Hen coops and hen runs would be considered accessory structures in the Town's Zoning By-law, however additional setbacks are considered appropriate to ensure land use compatibility. Further a maximum size for hen coops and runs is being proposed to ensure that a building permit is not required.

*Key Provisions – Draft Licensing By-law*

A copy of the proposed draft Licensing By-law is attached as Appendix "A" to this report, but a summary of the key provisions are listed below:

- No person shall keep hens without obtaining a licence;
- The minimum lot size shall be 0.4 hectares (1 acre);
- Hen coops and hen runs shall be located a minimum of 5.0 metres from any interior lot line, a minimum of 10 metres from a rear lot line, shall not exceed 3 metres in height and shall be fully enclosed;
- Maximum of 6 hens per lot are permitted;
- Hens must be at least 4 months old when acquired because prior to this it cannot be determined whether the chick is a hen or a rooster;
- The keeping of roosters is prohibited;
- Hens shall be kept in locked hen coops from sunset to sunrise;
- Hens are only permitted in the rear yard;
- Hens shall be confined in an enclosed hen coop or hen run at all times;
- Home slaughter of hens is prohibited;
- Manure shall be kept in an enclosed structure such a compost bin;
- Feed shall be stored in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it;
- The owner or applicant must declare that they have reviewed the educational resource material;
- the combined floor area of the Hen Coop and Hen Run shall be less than 10.0m<sup>2</sup>.
- Payment of a one-time \$100 licence fee (to cover administration and inspection costs); and
- Right of Entry Permission to Town Staff to attend and inspect the property (as necessary) to ensure compliance with the requirements.

#### *Application Process and Licensing Requirements*

Interested applicants would be required to review the regulations outlined in the By-law and to educate themselves about issues associated with the keeping of hens. Applicants would be required to complete an application, including the following:

- Name and contact information including an email, phone number(s) and the address of the property where the hens will be kept;
- In the case that the applicant is not the legal owner, written approval from the owner in support of the application;
- The number of hens to be kept on the property;
- A site plan of the property, showing all buildings and structures including the proposed location of the hen coop and hen run, as well as dimensions and appropriate setbacks;



- Declaration that the applicant has reviewed the prescribed educational materials; and
- The prescribed fee as set out in the Fees and Charges By-law.

### *Education Materials*

Staff is proposing that as part of the application process, an education resource package would be provided to interested applicants. This package would include information provided by the Canadian Food Inspection Agency, Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ministry of Health. Applicants would be required to review this material and sign an acknowledgement/declaration that they have read and reviewed the materials provided as part of the complete application. The following materials are proposed to be including in the education package:

- Bird Health Basics Video and Bird Health Basics Fact Sheet (Canadian Food Inspection Agency);
- Biosecurity Recommendations for Small Flock Poultry Owners (OMAFRA);
- Small Flock Poultry: Raising Healthy Birds (OMAFRA);
- Rodent Control in Livestock and Poultry Facilities (OMAFRA); and
- Keeping your family healthy with backyard poultry, including chickens and ducklings (Ministry of Health).

As organizations and ministries may update their resource kits from time to time, Staff have included a provision in the proposed By-law that will authorize Staff to make updates to the education package as required without an amendment to the Licensing By-law.

### *Licensing Fee Structure*

As the keeping of hens on residential lots are intended for personal use and not for the sale of meat or eggs as a business, Staff is of the opinion that a one-time licensing fee is appropriate. The best practice review prepared and outlined in Community Planning and Development Report #2022-0220 revealed that the licencing fee structure varied from municipality to municipality and Staff are recommending a one-time fee of \$100.00 be required to cover the cost of the application processing and inspections by Staff.

### *Inspections*

An initial inspection of each property will be completed by Town of Pelham By-law Enforcement Staff to ensure that the hen coops and hen runs are appropriately constructed and to check compliance with all regulations prior to issuing a license under the proposed By-law. Additional inspections would take place as needed if a complaint is filed.

*Enforcement*

Once Staff have reviewed the application and inspected the property, applicants would be issued a license to allow the keeping of hens. Under the By-law, a license may be revoked for any reasonable grounds as deemed fit by the Town, including if complaints are not able to be resolved.

Under the proposed By-law applicants will be required to hold a license to keep hens on properties where the use is not currently permitted and that are used for residential purposes. If a license is revoked, the applicants would be in contravention of the Town's Zoning By-law, which prohibits the keeping of chickens outside of larger agricultural properties. Municipal By-law Enforcement Staff would issue a notice indicating the contravention and would provide the date by which owners would be required to remove the hens. Although it would be the responsibility of the owner to relocate the hens, the Town would assist by providing options.

Currently, the Welland Humane Society does not generally accept surrendered hens as it is difficult to adopt out abandoned birds. If this becomes an issue, Staff will suggest the adoption of hens to other license holders. Staff would work with the owner to provide options however it is ultimately the responsibility of the owner to relocate the hens accordingly.

**Agricultural Advisory Committee Comments:**

As directed by Council, Staff provided the draft Hen By-law to the Agricultural Advisory Committee for their review, comment, and recommendations. The Committee met and reviewed the by-law at their meeting in April and had a lengthy discussion on the By-law, brainstorming ideas and trying to find a balance between permitting the use, while protecting existing commercial farm operations. Their discussions included:

- Avian flu and biosecurity and how to ensure that backyard hens do not create any adverse impact on larger commercial poultry operations or public health and safety;
- Education around proper husbandry procedures;
- Licensing requirements and the fear that if it is too difficult or expensive to get a license, people will just continue to have chickens illegally;
- Education and compliance timeframes if a By-law were to be adopted;
- Setback requirements, lot size, location and land use compatibility;
- Minimum Distance Separation (MDS) requirements; and
- Rural vs. urban properties and the desire to have one by-law that applies to the Town as a whole.

Staff then took their feedback and revised the draft By-law to reflect the discussions. At its meeting in June, the Committee reviewed the revised By-law and requested the following to be included:

- Rather than lot dimension requirements (proposed 30m frontage by 100m depth) for properties that would be an adequate size to permit hens, the Committee would like to see a minimum lot area requirement of 0.4 hectare (1 acre), this will address lots that are irregular in shape, but still provide adequate space for the keeping of hens;
- Hen runs should be completely enclosed, i.e., fenced on all sides and the roof with chicken wire or similar material;
- An additional requirement that if the occupant of the property is a tenant and not the property owner, written permission from the owner to keep chickens must be provided before a licence may be issued.

The Committee also discussed delaying the by-law for a year to monitor and address avian flu concerns, but ultimately determined that the regulations put in place through the licencing By-law should mitigate concerns and that waiting to pass the By-law would not result in any added benefit to the Town.

The Committee has ultimately endorsed the draft Hen Licencing By-law, as amended. The draft By-law as reviewed and supported by the Committee, and if approved by Council, would be applicable to all areas of the Town of Pelham, i.e. no distinction between urban and rural areas, subject to meeting the requirements.

**Conclusion:**

Generally, the Agricultural Advisory Committee was pleased with the outcome of their discussions and the revised draft Licensing By-law. The desire to see something that would be applicable Town-wide and based on a lot area requirement rather specific lot frontage and depth requirements was evident, and the recommended changes reflect this.

Staff is supportive of the recommendations of the Committee. The 0.4 hectare (1 acre) minimum lot area requirement would permit the limited keeping of hens in the urban and rural areas, on lots that can support the use, while minimizing potential impacts on neighbouring properties. It is recognized however that the number of lots in the urban area that meet this requirement is limited. The proposed rear and side yard setbacks should ensure that the hen coop and run would be located away from neighbouring properties, while still maintaining adequate amenity space for the occupant of the property. By licencing this use, the Town will have a greater understanding of where these uses are occurring which can assist when the Town becomes aware of an avian flu outbreak. Licencing will

also provide Staff with better enforcement options, overall control over the use and land use compatibility. Staff are of the opinion that subject to compliance with the regulations, allowing hens in the rear yards of residential properties in accordance with the provisions of the proposed Licencing By-law should not cause adverse impacts to neighbouring properties or the community.

**Financial Considerations:**

As noted, Staff is recommending that a one-time \$100.00 processing fee be charged to cover the cost of Staff having to process the application and conduct site inspections.

**Alternatives Reviewed:**

Council could continue to prohibit hens on residential properties and only allow hens as part of a bona fide agricultural use.

Council could move forward with a Hen Licensing By-law with modifications.

**Strategic Plan Relationship: Community Development and Growth**

Allowing for the keeping of hens contributes to the character of the Town, which supports building strong communities. At the same time, the proposed Licencing By-law provides for the appropriate protection of the quality of life enjoyed by residents. Further, the keeping of hens supports access to fresh eggs and a healthy food source of individuals and families.

**Consultation:**

This report and draft Hen By-law have been prepared in consultation with the Town's Solicitor, Fire Chief, Municipal By-law Enforcement Staff, and the Town Agricultural Advisory Committee.

**Other Pertinent Reports:**

- Community Planning and Development Report #2022-0220
- Community Planning and Development Report #2022-0252
- Community Planning and Development Memo dated December 16, 2022 (received by Council at the January 9, 2023 Council Meeting)

**Attachments:**

Appendix "A" – Draft Backyard Hen Licensing By-law

**Prepared and Recommended by:**



Lindsay Richardson, MCIP, RPP  
Policy Planner

Barbara Wiens, MCIP, RPP  
Director of Community Planning and Development

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer



The Corporation of the Town of Pelham

By-law No. 44-2023

**Being a By-law to license, regulate and govern the keeping of hens in the Town of Pelham.**

**WHEREAS** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*” or “the statute”) provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

**AND WHEREAS** section 8 of the *Municipal Act, 2001* further provides that a by-law under section 11 of the statute may provide for a system of licences;

**AND WHEREAS** section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

**AND WHEREAS** section 11 of the *Municipal Act, 2001* provides that a lower-tier municipality has the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property, and by-laws respecting animals;

**AND WHEREAS** section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

**AND WHEREAS** section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that any person who contravenes any by-law of the municipality passed under the statute is guilty of an offence;

**AND WHEREAS** section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws;

**AND WHEREAS** section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

**AND WHEREAS** section 444 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law of the municipality has occurred, may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

**AND WHEREAS** section 445 of the *Municipal Act, 2001* provides that a



municipality, if satisfied that a contravention of a by-law of the municipality has occurred, may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention;

**AND WHEREAS** section 446 of the *Municipal Act, 2001* provides that if a municipality has authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter of thing shall be done at the person's expense;

**AND WHEREAS** the Council of The Corporation of the Town of Pelham deems it necessary and desirable to regulate the keeping of hens on certain properties in the Town where they are currently not permitted and to enact this By-law for that purpose;

**NOW THEREFORE** the Council of The Corporation of the Town of Pelham enacts as follows:

## 1. Purpose

- 1.1. The purpose of this By-law is to regulate the keeping of hens on properties where such use of the properties would otherwise be prohibited by the Zoning By-law of the Town of Pelham, as enacted and amended from time to time.

## 2. Definitions

- 2.1. In this By-law:

**"Administrative Monetary Penalty"** means a monetary penalty issued pursuant to Town By-law #4353(2022), as amended from time to time.

**"Applicant"** means a Person applying for a Licence under this By-law.

**"By-law Enforcement Officer"** means a By-law Enforcement Officer of the Town.

**"Enforcement Authority"** means a By-law Enforcement Officer, the Licence Administrator and any Person appointed or otherwise delegated the authority of administration and enforcement of this By-law.

**"Fees and Charges By-law"** means a by-law passed by the Town to establish fees and charges to be collected by the Town, as enacted and amended from time to time.

**"Free Roaming"** means a Hen that is outside of a Hen Coop or Hen Run.

**"Hen"** means a domesticated female chicken that is at least four (4) months old.

**"Hen Coop"** means a fully enclosed, locking, weatherproof structure where Hens are kept and the interior of which contains nest boxes for egg laying, roosts for Hens to sleep on and containers for food and water.



**“Hen Run”** means a covered, fully fenced and secure enclosure that allows Hens access to the outdoors.

**“Licence”** means a licence issued under this By-law for the keeping of Hens.

**“Licence Administrator”** means the By-law Enforcement Officer authorized by the Town to administer this By-law or his/her designate.

**“Licensee”** means a Person who holds a valid Licence issued under this By-law.

**“Occupant”** means a Person that lawfully occupies a Property and includes Owners and lessees.

**“Order”** means any notice of non-compliance issued under this By-law.

**“Owner”** means the registered owner of a Property.

**“Person”** means an individual, corporation, partnership or association.

**“Property”** means any land or premises within the Town and includes all buildings and accessory structures on the said land or premises.

**“Rooster”** means a domesticated male chicken.

**“Town”** means the Corporation of the Town of Pelham.

**“Zoning By-law”** means the Zoning By-law of the Town of Pelham, as enacted and amended from time to time.

### **3. General Provisions**

- 3.1. No Person shall keep Hens except in accordance with this By-law and Schedule “A”, which is appended hereto and is part of this By-law.
- 3.2. No Person shall keep Free Roaming Hens.
- 3.3. No Person shall keep Roosters.
- 3.4. No Person shall keep Hens without holding a valid Licence under this By-law.
- 3.5. No Person shall contravene or fail to comply with a term or condition of a Licence issued in accordance with this By-law.
- 3.6. Where a Person holds a valid Licence, the provisions of Town By-law #3448(2013) that prohibit the keeping of Hens do not apply to the Licencee and/or the Property that is the subject of the Licence.

### **4. Administration**

- 4.1. Any Owner or Occupant of a Property may apply to the Town for a Licence.





- 4.2. An application under section 4.1 shall be made in writing to the Licence Administrator, in the form determined by the Town and/or the Licence Administrator from time to time.
- 4.3. An application for a new Licence under section 4.1 shall be accompanied by the applicable fee as established by the Fees and Charges By-law. An application for a renewal of a Licence does not require the payment of a fee.
- 4.4. An application under section 4.1 for a new Licence or a renewal of a Licence shall contain the following:
  - (a) the name, address, telephone number and address of the Applicant;
  - (b) in the case that the applicant is not the legal owner of the Property, a written approval letter from the registered owner of the property acknowledging their support of the application;
  - (c) the address of the Property that is the subject of the application;
  - (d) the number of Hens to be kept on the Property;
  - (e) a site plan of the Property that identifies the size and location of all buildings and accessory structures on the Property, including the proposed locations, dimensions and setback measurements for the Hen Coop and Hen Run;
  - (f) a signed declaration confirming that the Applicant has received, reviewed and understood the contents of an education package provided by the Town regarding rules and regulations for the safe and secure keeping of Hens in accordance with this By-law;
  - (g) an acknowledgment that the Town and/or the Licence Administrator may update the education package from time to time and may require a Licensee to provide a signed declaration confirming that the Licensee has read, reviewed and understood its contents; and
  - (h) any other information required by the Licence Administrator to evaluate the application.
- 4.5. The Licence Administrator may grant or refuse a Licence and may impose such terms and conditions on a Licence as he or she considers appropriate.
- 4.6. The Licence Administrator shall refuse a Licence where the application and/or the Property that is the subject of the application does not comply with the provisions of this By-law and the requirements in Schedule "A".
- 4.7. The Licence Administrator may revoke a Licence where:
  - (a) the Licence was issued or renewed in error;
  - (b) the Licensee contravenes the provisions of this By-law; or
  - (c) the Licensee fails to comply with the provisions of this By-law, the requirements in Schedule "A" and/or any of terms or conditions imposed on the Licence.
- 4.8. A Licence issued pursuant to this By-law is not transferable to any



other Person or Property.

## 5. Enforcement

- 5.1. This By-law shall be administered and enforced by the Town and Enforcement Authorities.
- 5.2. An Enforcement Authority may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001*.
- 5.3. An Enforcement Authority may, at all reasonable times, enter upon and inspect any land to determine if this By-law is being complied with.
- 5.4. For the purposes of an inspection under section 5.3 of this By-law, an Enforcement Authority may require the production for inspection of documents or things relevant to the inspection, inspect and remove relevant documents or things for the purpose of making copies or extracts, and/or require information from a Person concerning a matter related to the inspection.
- 5.5. An Enforcement Authority who is satisfied that there has been a contravention of this By-law may make an Order requiring the Person who contravened the By-law or caused or permitted the contravention and/or the Owner and/or Occupant of a Property where the contravention occurred to bring it into compliance with this By-law.
- 5.6. An Order made under section 5.5 shall set out the municipal address and/or legal description of the Property, reasonable particulars of the non-compliance and the date(s) by which there must be compliance with the Order.
- 5.7. An Order made under section 5.5 may be served by regular mail, registered mail or hand delivered to the last known address of the Person to whom it is issued, by email to the last known email address of the Person to whom it is issued, or by posting the Order at the Property where the contravention occurred.
- 5.8. Where any Person fails to comply with an Order made under section 5.5 by the prescribed date(s), the Town may do any matter or thing necessary to bring the Property into compliance with this By-law at the expense of the Person in default of the Order.
- 5.9. The Town may recover the cost of any matter or thing done pursuant to section 5.8 of this By-law by adding the cost to the tax roll and collecting it in the same manner and with the same priority as municipal taxes.
- 5.10. No Person shall obstruct or hinder, or attempt to obstruct or hinder, an Enforcement Authority in the exercise of a power or the performance of a duty under this By-law.

## 6. Penalty

- 6.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the *Provincial Offences*



Act.

- 6.2. Administrative Penalty Process By-law #4352(2022), as amended, applies to each Administrative Monetary Penalty issued pursuant to this By-law.
- 6.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law #4352(2022), be liable to pay to the Town an Administrative Monetary Penalty in accordance with that By-law.

**7. General**

- 7.1. The short title of this By-law is the "Backyard Hens By-law".
- 7.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 7.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 7.4. This By-law shall be read with all changes in number or gender as are required by context.
- 7.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 7.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

**8. Exceptions**

- 8.1. This By-law is not applicable to any Property where agricultural uses are legally permitted by the Town of Pelham Zoning By-law 4481(2022).

**9. Effective Date**

- 9.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 07 day of July, 2023.

\_\_\_\_\_  
Marvin Junkin, Mayor

\_\_\_\_\_  
William Tigert, Town Clerk