

DATE: Oct 27th, 2021

REPORT NO: COA-040-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Andrew Frandsen on behalf of
Jordan Zwaagstra
File No. A28/2021WL

CONTACT: Madison Etzl, Planner II
Brian Treble, Director of Planning and Building

OVERVIEW:

- A minor Variance application has been submitted by Andrew Frandsen of Ontario Outbuilding (Ontario Construction Resource Group) on behalf of Jordan Zwaagstra for the property legally known as Concession 2, Part Lot 3, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara, municipally known as 6662 Vaughan Road West.
- A minor variance application has been applied for that requests two variances.
- The first variance that is required is to permit a proposed accessory building to be built with a height of 6.7 metres (21.98 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height for a Type 2 accessory building is 5.5 metres (18.05 feet).
- The second variance that is required is to permit a proposed accessory building to be built with a maximum ground floor area of 122.6 square metres (1319.66 square feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum ground floor area for a Type 2 accessory buildings than 120 square metres (1,291.67 square feet).
- The owner is requesting these variances to build a detached garage to store and accommodate the height of their personal semi-truck.
- The initial drawings that the applicant submitted with their minor variance application identified that they were proposing to build an accessory building that was 185.81 square metres (2,000 square feet) in size.
- Through discussions with Township staff the agent of the applicant was informed that the height in combination with the size of the proposed accessory building could not be considered minor or appropriate for the subject property.
- The agent chose to move forward with the application by reducing the size of the proposed accessory building by 34%.

OVERVIEW CONTINUED:

- After reviewing the four tests of a minor variance planning staff recommend approval of a maximum height of 6 metres, but do not support any increase to the permitted ground floor area.
- That the recommendations are subject to two conditions: that the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property, and that a 2.5 metre side and rear yard be applied as the building can now be taller in height.

RECOMMENDATION:

1. THAT, the application for the first Minor Variance made by Andrew Frandsen on behalf of Jordan Zwaagstra as outlined in Report COA-040-21, to permit an accessory building to be built with a height of 6.7 metres (21.98 feet), BE MODIFIED and APPROVED at a maximum height of no greater than 6 metres (19.69 feet); and,
2. THAT, the application for the second Minor Variance made by Andrew Frandsen on behalf of Jordan Zwaagstra as outlined in Report COA-040-21, to permit an accessory building to be built with a size of 122.6 square metres (1,319.66 square feet), NOT BE APROVED.
 - a. That all recommendations are subject to the following conditions:
 - i. THAT, the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property.
 - ii. THAT, the minimum side and rear yard setback be no less than 2.5 metres.

BACKGROUND:

The subject lands are situated on the south side of Vaughan Road, west of Port Davidson Road, east of Caistor Gainsborough Townline Road, being legally described as Concession 2, Part Lot 3, in the former Township of Gainsborough, now in the Township of West Lincoln. The subject property is municipally known as 6662 Vaughan Road West. (See attachment 1 for a site sketch)

The subject property is approximately 1.03 acre (0.42 hectares) in size. The property is designated as Good General Agricultural and is zoned Agricultural 'A'. The majority of the surrounding properties to 6662 Vaughan Road West also share the same designation and zoning.

The owner of the property is hoping to obtain a minor variance to permit an accessory building to be built to store and accommodate the height of their personal semi-truck.

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The initial drawings that the applicant submitted with their minor variance application identified that they were proposing to build an accessory building that had a height of 6.7 metres (21.98 feet) and that was 185.81 square metres (2,000 square feet) in size.

Height as defined in the Township's Zoning By-law 2017-70, as amended, means the vertical distance measured from the average finished grade to the highest point of a building or structure, except in the case of a pitched roof where the distance shall be measured to the midway point between the eaves of the majority of the roof and the ridge (Bylaw 2018-61).

Therefore, the applicants are proposing to build a proposed accessory building with a mid-peak height of 6.7 metres (21.98 feet) and a top-peak height of 8 metres (26.25 feet).

Through discussions with Township staff the agent of the applicant was informed that the height in combination with the size of the proposed accessory building could not be considered minor or appropriate for the subject property. The agent chose to move forward with the application by reducing the size of the proposed accessory building by 34%.

As such a minor variance application has been applied for that requests two variances. The first variance that is required is to permit a proposed accessory building to be built with a height of 6.7 metres (21.98 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height for a Type 2 accessory building is 5.5 metres (18.05 feet). The second variance that is required is to permit a proposed accessory building to be built with a maximum ground floor area of 122.6 square metres (1319.66 square feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum ground floor area for a Type 2 accessory buildings than 120 square metres (1,291.67 square feet).

Recently, Township Council in June approved amendments to the Township's Zoning By-law 2017-70, as amended, which included increased the maximum ground floor area for accessory buildings from 100 square metres to 120 square metres in order to reduce the number of variance requests. Staff believe the 120 square metres is an appropriate maximum size in this situation.

CURRENT SITUATION:

Planning Staff have completed an analysis of the proposed Minor Variance application and can provide the following evaluation:

Does the proposal maintain the general intent and purpose of the Official Plan?

Yes, to the first variance request with a modification

No, to the second variance request

The property is designated as Good General Agriculture under the Township's Official Plan. The Good General Agricultural designation comprises those lands designated as

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the second highest level of protection and preservation for agricultural purposes. Residential and accessory residential uses are permitted in the Good General Agricultural designation. The agricultural property in question is approximately 1.03 acres (0.42 hectares) in size.

The 2018 aerial imagery indicates that the property currently has a single detached dwelling and a small accessory building. The existing single detached dwelling on the property appears to be approximately 205 square metres (2,206.6 square feet) while the existing accessory building appears to be approximately 15 square metres (161.5 square feet).

Section 4 of the Township's Official Plan discusses Agricultural Land Use Policies. Part 4.2 c) identifies that one of the objectives for all agricultural areas is *to promote small scale secondary uses and agriculture-related uses that are compatible with and do not hinder surrounding agricultural operations.*

The agent of the applicant has identified that the variance for height is what is most important for the proposed accessory building. The height variance is important as it is to allow for the height of a garage door to fit the owner's personal 'semi-truck'. In order for the future uses of the property not to be treated as commercial, with such a large detach accessory building/ garage, Township staff believe that the size variance cannot be supported and that a condition is required to insure that the accessory building matches the rural residential nature of the property. The Township is recommending that the condition be the following that the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property.

Township staff have reviewed other building permits for accessory buildings in the Township which were designed to house semi-trucks and have calculated that 5.5 metres can accommodate a typical 14-foot overhead door which can accommodate most 'semi-trucks.' At least two of the buildings were able to accommodate this within the maximum 5.5 metre height requirement. Therefore, Planning Staff believe 6.7 metres is too high and that a maximum height of 6 metres (19.69 feet) is more appropriate and should be sufficient to accommodate most semi-trucks. Township staff note that the Agricultural 'A' zone and designation do not permit this property to be used for non-agricultural land uses, such as a commercial truck yard or truck repair establishment.

The agent and applicant have reduced the size of the proposed building by 34% from what was initially applied for, staff believe it is still possible for the applicants to reduce the size by an additional 1.4% (2.6 square metres / 28 square feet) to not need the size variance. Additionally, Council in June 2021 approved an increase from 100 square metres to 120 square metres for accessory buildings to reduce the number of variances being requested. New variance requests are now being reviewed with this in mind. Staff believe 120 square metres is more than sufficient for most residential accessory buildings.

Township Planning Staff are of the opinion that the first minor variance meets the general intent and purpose of the Official Plan if modified to a maximum of 6 metres.

Township Planning Staff are of the opinion that the second minor variance does not meet the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?
Yes, to the first variance request with a modification
No, to the second variance request

The subject land is zoned Agricultural 'A' under the Township's Zoning By-law 2017-70, as amended. The parcel of land is a 1.03 acre (0.42 hectares) parcel of land. The Agricultural zone permits single detached dwellings and their associated accessory buildings. The proposed accessory building is a permitted use under the regulations of the A zone.

Under the Township's Zoning By-Law 2017-70, proposed accessory buildings are not permitted within a property's front yard and are not permitted to be located closer to a front lot line than a property's main building. The purpose of these regulations are to ensure that there is a consistent streetscape throughout the Township of West Lincoln and that the main buildings on the lot are the prominent buildings and the accessory buildings are seen as an accessory structure and use. The applicant is proposing to building their accessory building within their rear yard.

The owner of the property is hoping to obtain a minor variance to permit an accessory building to be built to store and accommodate the height of their personal semi-truck. The initial drawings that the applicant submitted with their minor variance application identified that they were proposing to build an accessory building that had a height of 6.7 metres (21.98 feet) and that was 185.81 square metres (2,000 square feet) in size.

Height in this context and as defined in the Township's Zoning By-law 2017-70, as amended, means the vertical distance measured from the average finished grade to the highest point of a building or structure, except in the case of a pitched roof where the distance shall be measured to the midway point between the eaves of the majority of the roof and the ridge (Bylaw 2018-61).

Therefore, the applicants are proposing to build a proposed accessory building with a mid-peak height of 6.7 metres (21.98 feet) and a top-peak height of 8 metres (26.25 feet).

Township staff have reviewed other building permits in the Township and have calculated that 5.5 metres can accommodate a 4.27 metre (14 feet) overhead door which can accommodate most 'semi-trucks.' Therefore, Planning Staff believe 6.7 metres is too high and that a maximum height of 6 metres (19.69 feet) is more appropriate. Do to the increase in the accessory buildings height the Township is recommending that a condition be added to reduce its impacts on neighboring

properties. The condition that is recommended is that the minimum side and rear yard setback be 2.5 metres.

In June of 2017 the Council of the Township of West Lincoln approved the new Comprehensive Zoning Bylaw 2017-70. In the following years (2018, 2019 & 2020) the Township's Zoning By-law has been updated through minor housekeeping amendments to keep the bylaw functioning as intended and to correct a number of site specific issues. In July, 2021 Township Council approved a recommendation report that the Planning Department put together, which again identified updates for the Zoning By-law.

One of these updates was to increase the size of Type 2 accessory buildings from a maximum of 100 square metres (1,076.39 square feet) to 120 square metres (1,291.67 square feet). Further, this update than allowed lots with an area of 0.4 ha or less to now allow accessory building to have a maximum ground floor area to be 120 square metres opposed to 100 square metres. The reason for this is because the Township has undergone many variances for larger accessory buildings on agricultural residential lots.

Township staff are of the opinion 120 square metres is an appropriate max size for a agricultural residential accessory building on a lot of 0.4 ha in size and therefore do not support the second variance request.

Finally, as the property is zoned Agricultural 'A', the permitted uses on the property are limited to a single detached dwelling, agricultural uses and accessory residential uses. Commercial uses on the subject property are prohibited, including any use of the proposed building as a truck repair establishment or truck yard.

Is the proposal desirable for the appropriate development or use of the land?

Yes, to the first variance request with a modification

No, to the second variance request

The applicants have proposed to construct a 122.6 square metre accessory building that has a height of 6.7 metres. This building is proposed to be used as a detached garage to store the applicant's 'semi-truck'. Detached accessory buildings are permitted on agricultural properties.

The proposed accessory building is situated to the rear of the applicant's property. The location will help to reduce the building impacts the streetscape. To further ensure that the proposed accessory building does not impact the streetscape or the agricultural character of the area, and overpower the property with its modification for height Township believe that the variance for size cannot be approved as the Township has already improved a 20 square metre increase in the maximum ground floor area that is permitted for a property that is less or equal to 0.4 ha in size. Two conditions to ensure property compatibility have been recommended. The first is to have the Department of Planning and Building approve the exterior design of the accessory building. The second is to have the minimum side and rear yard setback be 2.5 metres for the

proposed accessory building which is slightly larger than the typically required 1.4 metre setback. This is to ensure there is adequate room to maintain the now taller building.

It should be noted that the Township's Zoning By-law 2017-70, as amended, identifies that commercial truck parking is not desired or even permitted in Agricultural properties. The agent of the applicant has identified that the 'semi-truck' is a personal vehicle of the applicants and that storing it on the property is not for business reasons. Staff believe that the modification of the height along with the recommended conditions are to help ensure that what is said about the storage being for personal reasons comes to fruition for present and future uses.

Commercial operations are to be directed to properties with commercial zoning.

Is the proposal minor in nature?

Yes, to the first variance request with a modification

No, to the second variance request

The applicants are proposing to build an accessory building with a height of 6.7 metres (21.98 feet) whereas Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, identifies that the maximum height for a Type 2 accessory building is 5.5 metres (18.05 feet). As the definition describes height to be the mid point of a peaked roof the applicants are proposing to have the mid-peak height to be 6.7 metres and the top-peak height to be 8 metres (26.25 feet). In order to ensure that the proposed accessory building is a minor proposal in nature the Township cannot support increasing the size along with supporting a modification in the height variance to 6 metres (19.69 feet).

Further increasing the size cannot be support as the Township has already increase the ground floor area for accessory buildings on agricultural lots equal or lesser then 0.4 ha by 20 square metres (215.28 square feet). Township Staff do not believe that the size variance is minor in combination with the modification for the height variance.

	Zoning By-law with 2020 amendments	Zoning By-law with 2021 amendments	Proposed	Recommended for approval
Maximum ground floor area per building or structure	100 m2	120 m2	122.6 m2	120 m2
Maximum height	5.5 m	5.5 m	6.7 m	6 m
Minimum setback to interior side lot line	2	2	2.5	2.5
Minimum setback to interior rear lot line	2	2	2.5	2.5

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on October 6th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Public Works Department does not have any objections to this application.

Regional Planning and Development Services staff offers no objection to this Minor Variance application.

The Niagara Peninsula Conservation Authority has identified that a portion of the subject property falls within 15 metres of a Watercourse. However, the proposed shop appears to be located outside of the 15 metre development buffer associated with the Watercourse. As such, the NPCA will have no objections to the proposed Minor Variance.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands September 2nd, 2021. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No comments have been received as of Sept 22nd, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Andrew Frandsen of Ontario Outbuilding (Ontario Construction Resource Group) on behalf of Jordan Zwaagstra for the property municipally known as 6662 Vaughan Road West. To ensure that the future of the proposed accessory building is not treated as commercial the Township can only support the height variance and cannot support the size variance. In addition, the height variance can only be supported with the following conditions; that the Department of Planning and Building approve the exterior design of the accessory building, which shall be alternatively designed in keeping with the residential characteristic of the property and that the building have a minimum 2.5 metre side and rear yard setback.

ATTACHMENTS:

1. Site Sketch
2. Accessory Building Zoning Provisions
3. PD-78-2021 Rec. Report Housekeeping No. 4
4. Comments

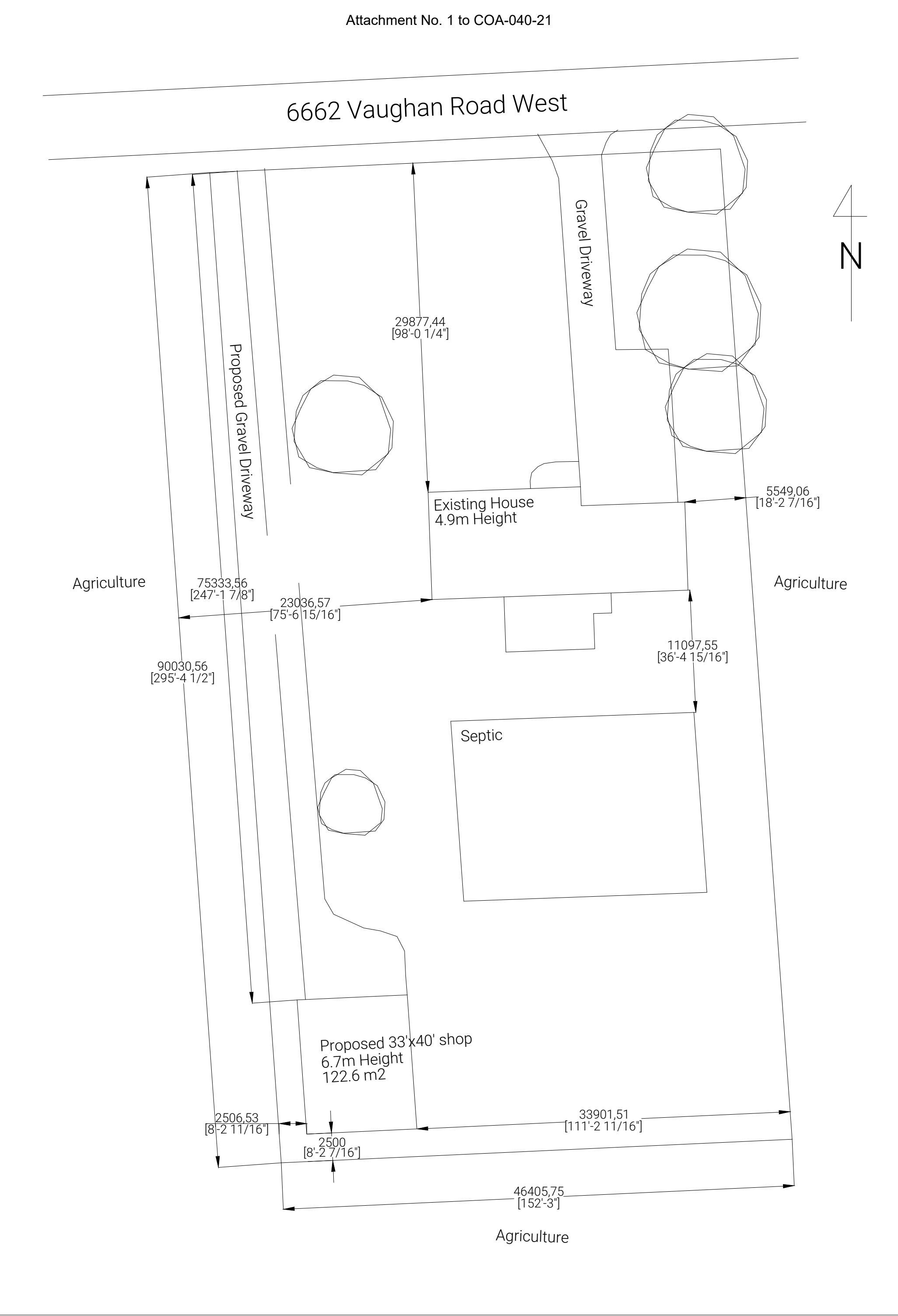
Prepared by:



Madyson Etzl
Planner I



Brian Treble, RPP, MCIP
Director of Planning and Building



DRAWING TITLE
SITE PLAN 6662 VAUGHAN ROAD WEST SMITHVILLE

PROJECT TITLE
33'X40' SHOP ZWAAGSTRA

DATE	24.09.2021
SCALE	1:300
DRAWN	Andrew
REVISION	

Ontario Construction Resource Group
7731 Concession 3 Road Smithville, L0R 2A0 905.246.2565

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OC RG	ONTARIO CONSTRUCTION RESOURCE GROUP
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- xii. Parking and loading facilities: refer to Section 3.12;
- xiii. *Private garages*: refer to Subsection 3.12.7;
- xiv. *Renewable energy systems*: refer to Section 3.15;
- xv. *Signs*: refer to Section 3.23;
- xvi. *Swimming pools*: refer to Subsection 3.24;
- xvii. *Waste storage enclosures*: refer to Section 3.26.

- h) In addition to the above, an *accessory building or structure* shall comply with the regulations in Tables 1-1 and 1-2 based on the applicable *zone*.

Table 1-1: Regulations for Accessory Buildings and Structures in Agricultural Zones

Regulation		Accessory Buildings or Structures in an Agricultural Zone		
		Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 100m ²)	Type 3 (greater than 100m ²)
Maximum <i>ground floor area</i> per <i>building</i> or <i>structure</i>		10m ²	100m ²	Based on maximum <i>lot coverage</i> (see below)
Maximum number of <i>accessory buildings or structures</i> per <i>lot</i>	<i>Accessory buildings</i>	3	2	Based on maximum <i>lot coverage</i> (see below)
	<i>Accessory Structures</i>	Based on maximum <i>lot coverage</i> (see below)		
Permitted <i>yards</i>		All <i>Yards</i> except the <i>required front yard</i> or <i>required exterior side yard</i> , except that a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall be permitted in the <i>required front yard</i> and <i>required exterior side yard</i>		
Minimum setback to <i>front lot line</i>		No closer to the <i>front lot line</i> than the <i>main building</i> , and in accordance with the minimum <i>yard</i> requirements of the applicable <i>zone</i> , except that a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 6 metres to the <i>front lot line</i>		
Minimum setback to <i>exterior side lot line</i>		No closer to the <i>exterior side lot line</i> than the <i>main building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i> , and a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 6 metres to the <i>exterior side lot line</i>		
Minimum setback to <i>interior side lot line</i>		1.2 metres	2 metres	7.5 metres
Minimum setback to <i>rear lot line</i>				
Maximum <i>height</i>		3 metres	5.5 metres	10 metres
Maximum <i>lot coverage</i> of all <i>accessory buildings or structures</i> on the <i>lot</i>	<i>Lot area</i> 0.4 ha or less	8%, of the <i>lot area</i> , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		Not permitted on this <i>lot size</i>
	<i>Lot area</i> 0.5 ha to 2 ha	Greater of 5% or 320m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> 2.1 ha to 10 ha	Greater of 2.5% or 1,000 m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> greater than 10 ha	Greater of 1% or 2,500 m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
Minimum setback from <i>main building</i> ⁽¹⁾		1.5 metres	3 metres	
Maximum distance from a <i>main building</i>		The nearest point of a wall of the accessory building must be located within 50 metres of the <i>main building</i> (Bylaw 2018-61)		

⁽¹⁾ No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a *main building*.



REPORT COUNCIL

DATE: July 26, 2021

REPORT NO: PD-78-2021

SUBJECT: **Recommendation Report - Comprehensive Zoning Bylaw 2017-70, as amended Housekeeping Amendments No. 4
File No. 1601-009-21**

CONTACT: Gerrit Boerema, Planner II
Brian Treble, Director of Planning & Building

OVERVIEW:

- In June of 2017 the Council of the Township of West Lincoln approved the new Comprehensive Zoning Bylaw 2017-70.
- In the following years (2018, 2019 & 2020) the zoning bylaw has been updated through minor housekeeping amendments to keep the bylaw functioning as intended and to correct a number of site specific issues.
- Township Planning staff have again identified a number of minor issues that need to be addressed through a fourth housekeeping amendment to the Zoning Bylaw. These issues include:
 - Environmental Mapping Provisions
 - Accessory Building and Structure Provisions
 - Accessory Dwelling Unit Provisions as it relates to septic
 - Legal non-conforming status of dwellings on commercial lots
 - Outdoor Storage requirements
 - Several site specific issues
- Public notice was circulated through a local newspaper and mailed to individual properties where site specific changes were proposed. A public meeting was held on June 14, 2021. No members of the public provided oral comments, however, two written comments were received.
- Planning staff have also further discussed the proposed site specific amendment with the owner of the property on Vaughan Road.
- Planning Staff recommend that the proposed amendments to the Township zoning bylaw, found in Attachment 5 (Draft bylaw) be approved.

RECOMMENDATION:

1. That, Report PD-78-2021, regarding “Recommendation Report - Housekeeping Amendments No. 4 to Zoning Bylaw 2017-70, as amended File No. 2100-009-21”,

- dated July 26, 2021 be received; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment, 1601-009-21, submitted by the Township of West Lincoln and a corresponding bylaw be APPROVED and passed; and,
4. That Staff be authorized to circulate the Notice of Decision for the Zoning Bylaw Amendment with the corresponding 20-day appeal period.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3 & #6

- Strategic Responsible Growth
- Efficient, Fiscally Responsible Operations

BACKGROUND:

Township Council in June of 2017 approved the new Comprehensive Zoning Bylaw 2017-70. This was the first time a new comprehensive zoning bylaw was passed since the Township passed its first Zoning bylaw in 1979.

Several minor issues have been identified since the bylaw was passed, concerning both Township wide regulations and site specific zonings. Many of these issues have been addressed through three previous housekeeping amendments which took place in 2018, 2019, and 2020.

Several new issues have come to the attention of Township Planning staff, and staff are reviewing these as part of another round of proposed housekeeping amendments to the Township zoning bylaw.

A public meeting was held on June 14, 2021, however, no members of the public provided oral comments. Two written public comments have been received in addition to agency comments. These comments can be found attached to this report.

CURRENT SITUATION:

Township Planning Staff have identified a number of issues that need to be addressed, both on a Township wide level and several site specific properties. Table 1 below summarizes the issues and provides the proposed amendments.

Table 1 – Proposed Zoning Bylaw Amendments

Section/Table #	Regulation	Proposed Changes	Staff Comments
Township Wide			
Part 1.3.6	Zoning Maps	Environmental Protection and Environmental	Staff are running into issues where landowners are
		Environmental Protection and Environmental Conservation Zones	

		Conservation Zones can be changed based on better mapping in consultation with the Region and NPCA outside of a zoning bylaw amendment application.	can be changed based on better mapping in consultation with the Region and NPCA outside of a zoning bylaw amendment application <u>where the changes are required to be in conformance to Regional and NPCA environmental mapping. Private requests will also be considered where:</u> a) <u>The change relates to an adjustment of the EC Zone</u> b) <u>The change relates to an adjustment to the EP Zone where the flood hazard limit has been identified</u> c) <u>The change relates to an adjustment of the EP zone other than the flood hazard limit where a technical study is not required in consultation with the Region and NPCA</u>	seeking to change regulatory mapping on several instances. There is currently no structured approach.
Table 1-2	Accessory Building size in rural residential and low density R1A zones and Agricultural small holdings	Maximum 100 square metres per accessory building, to a maximum of 200 square metres floor area for all accessory buildings	Maximum of 120 square metres per accessory building, to a maximum of 200 square metres floor area for all accessory buildings	The Township has undergone many variances for larger accessory buildings on residential lots.
Part 3.2.1 e)	Accessory Dwelling Unit Septic Requirements	On lots not serviced by municipal sewage services, accessory dwelling units can only be located if there is	Accessory dwelling units shall not be permitted to have a separate septic system.	Align the zoning regulations to the Official Plan making it clearer that accessory dwellings should not have their own septic systems

		adequate septic capacity		separate from the main dwelling.
Section 3.25.1	Temporary Use Regulations	Does not currently stipulate number of shipping containers	NA	v. Shipping containers used for temporary construction uses are permitted only for the new construction of a main building or reconstruction as per Section iv. A maximum of one shipping container for temporary construction use is permitted per lot and is subject to all other provisions of this bylaw and requires a separate building permit.
Part 7.2 Table 16	Permitted Uses in Commercial Zones	Currently does not permit residential dwellings	On Commercial 'C3' Zones, where a single detached dwelling legally exists, expansions and alterations are permitted subject to the zoning requirements of a single detached dwelling in the Rural Residential Zone.	The previous zoning bylaw, 79-14, had a Rural Commercial zone which allowed for a variety of commercial uses in conjunction with a single detached dwelling. This is to recognize those existing dwellings and to allow expansions without the need for additional planning approvals.
Part 7.3 Table 17 & Part 8.3 Table 19	Outdoor Storage	Maximum of 5% of lot area for commercial and employment zones	Consideration of 25% of lot area, as many businesses require outdoor storage space within permitted yards (interior side and rear)	Most legitimate business activities in West Lincoln requires greater outdoor storage than 5% of the lot area.

Part 7.3 Table 17	Minimum Height for C1 zone	None currently	Consideration of minimum 2 storeys	Official Plan requires new core development to be a minimum of 2 storeys high
Part 11.3 Table 27	Environmental Conservation Zone does not permit additions to main buildings but does permit new accessory buildings	No expansions to existing dwellings within Environmental Conservation Zone	Consideration of permitting additions to dwellings in Environmental Zones	This will allow for additions to dwellings within Environmental Conservation Zones, subject to NPCA approval where required.
SITE SPECIFIC				
8635 Silver Street	Caistor Fire Station	Industrial 'M2'	Institutional 'I'	Institutional is a more appropriate zone for a public use such as the Fire Station.
9299 Twenty Road		Commercial 'C3'	Agricultural 'A'	Historical 'C3' zone has been on the property since the original zoning bylaw was passed (1979). There are no commercial uses on the property anymore.
5220 Vaughan Road		Commercial 'C3'	Agriculture 'A'	Historical 'C3' zone has been on the property since the original zoning bylaw was passed (1979). There have never been any commercial uses on the property to staffs knowledge.
5432 Sixteen Road	Former St. Anns Food	Agriculturally Related 'AR'	Agriculturally related 'AR-XX' to recognize a permitted abattoir use	Prior to 2017 the zoning permitted an abattoir, however, the new zoning dropped that as a permitted use.

Table 2 below provides a summary of the policy review for each proposed amendment, as well as some additional background information for each change.

Section/Table #	Planning Review Summary
Part 1.3.6 Zoning Maps	The Provincial Policy Statement (PPS) Greenbelt Plan, Regional Official Plan and the Township Official Plan all strongly support the protection of Natural Heritage Features. These features have been protected through various planning policies and through the implementation of Environmental Zones in the Township of West Lincoln Zoning Bylaw in 2017. These environmental features are not always mapped accurately and therefore flexibility for minor changes to the mapping where no natural heritage features are present and protection is not needed is important. This zoning amendment was developed in consultation with the Region and the NPCA and achieves the continued protection of the environment through the use of Environmental zoning layers, while still allowing for some flexibility in the mapping to make changes where appropriate. As such the proposed amendment meets the intent of the applicable planning policy.
Table 1-2 Accessory Building Size	The PPS, Greenbelt Plan, Regional Official Plan and the Township Official Plan do not speak directly to accessory building size or location. Generally, accessory uses are permitted in both the agricultural areas of the Township and within settlement areas. In the agricultural areas, policy requires that adequate land be available for private septic and water services. In the settlement areas policy supports maintaining greenspace with a purpose of controlling stormwater management. In both cases the slightly larger increase in maximum ground floor area should not have a significant impact as the lot coverage provisions will remain the same, limiting the total amount of accessory building area based on lot coverage. As such, this proposed change is in general alignment to the applicable planning policy.
Part 3.2.1 e) Accessory Dwelling Unit Septic Requirements	The PPS, Growth Plan, Regional Official Plan and the Township Official Plan all promote affordable housing and a diverse range of housing types to meet the needs of residents. The plans also support that all development within un-serviced areas can be serviced by private septic systems. The Township Official Plan specifically states that where accessory dwelling units are approved in un-serviced areas, there should be adequate capacity within the existing septic system that services the dwelling. This is to ensure that there is the least impact on agricultural lands as possible with the addition of a secondary unit, and that the accessory dwelling unit remains secondary to the principle dwelling unit and does not become a stand-alone dwelling. As such, the proposed amendment meets the general intent of the applicable planning policy.
Section 3.25.1 Temporary Use Regulations	The PPS, Growth Plan, Greenbelt Plan, Regional Official Plan and Township of West Lincoln Official Plan do not speak directly to the use of Shipping Containers, however, they are often seen as buildings or structures requiring building permits in most municipalities and is therefore a form of development. Temporary uses are permitted and are helpful for new construction and reconstruction of main buildings, however, these provisions have been misused and are starting to cause issues as shipping containers are not permanently permitted in many zones. This change will provide clear

	regulations regarding the use of shipping containers for temporary construction uses. These regulations meet the general intent of the applicable planning policy.
Part 7.2 Table 16 Dwellings permitted in Commercial Zones	The PPS, Growth Plan, Greenbelt Plan, Regional Official Plan and the Township Official Plan recognize that there are a number of legally established non-agricultural uses in the agricultural area. Previous to the current zoning bylaw, these uses were zoned as Rural commercial, which permitted a dwelling and limited commercial uses. The Rural commercial zone has been replaced with the Highway Commercial Zone which no longer permits a single detached dwelling. This zoning change will allow for these existing dwellings to remain and even be enlarged and altered subject to the Rural residential provisions of the zoning bylaw. This change has no significant implication on Provincial, Regional or Local planning policy.
Part 7.3 Table 17 & Part 8.3 Table 19 Outdoor Storage	The PPS, Growth Plan, Regional Official Plan and Township Official Plan support the growth of local industry and employment opportunities to create complete communities. They acknowledge that there is a broad range of employment types and policy supports protecting employment lands for a variety of current and future employment opportunities. One aspect of this is to allow for greater flexibility with outdoor storage. The proposed increase to the allowable outdoor storage meets the general intent of the applicable policy as it allows for a greater range of future employment uses.
Part 7.3 Table 17 Minimum Height in C1 Zone	The PPS, Growth Plan, Regional Official Plan and Township Official Plan support greater intensification within built up areas. The Township Official Plan specifically requires that new development within the Downtown Core of Smithville be a minimum of 2 storeys. This proposed amendment will implement the Township Official Plan policy as well as Provincial and Regional Policy support.
Part 11.3 Table 27 Additions within EC Zones	The PPS, Growth Plan, Greenbelt Plan, Regional Official Plan and Township Official Plan support the protection of environmentally sensitive areas. This proposed zoning change does not impact the protection of environmental features as building permits will still not be permitted in EP zones and if within an NPCA regulated areas, require NPCA approval.
8635 Silver Street Caistor Fire Station	The subject property is located within the Good General Agriculture area of the Township and Regional Official Plan and is Designated as Prime Agricultural Area in the PPS and Growth Plan. The Provincial and Regional Plans permit limited non-agricultural land uses. As the fire station use is existing, and the institutional zone is more appropriate for the existing use and can generally have less impact on surrounding agriculture, the proposed change is generally in alignment with the applicable planning policy.
9299 Twenty Road C3 to Agricultural	The subject property is designated as Prime Agricultural land in the PPS, Growth plan and Greenbelt Plan. The property is designated as Good General Agriculture in the Regional and Township Official Plan. The existing unused commercial zoning does not align with the underlying agricultural designations, therefore changing it to an agricultural zone is in alignment with the applicable policy.
5220 Vaughan Road C3 to	The subject property is designated as Prime Agricultural land in the PPS, Growth plan and Greenbelt Plan. The property is designated as Good General Agriculture in the Regional and Township Official Plan. The existing unused commercial zoning does not align with the underlying agricultural

Agricultural	designations, therefore changing it to an agricultural zone is in alignment with the applicable policy.
5432 Sixteen Road AR to AR-204	The PPS, Regional Official Plan and Township Official Plan support agricultural and agriculturally related land used that support agriculture. By adding the abattoir as a permitted use back on the property will allow this property to function as an agriculturally related land use as intended. As such, this property meets the general intent of the applicable zoning bylaw.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report or the proposed changes to the Zoning Bylaw.

INTER-DEPARTMENTAL & PUBLIC COMMENTS:

Notice of the proposed changes to the Township of West Lincoln Zoning Bylaw were circulated in the local newspaper. Additionally, the notice was posted on the Township website and circulated to agencies and departments. Notice was also mailed to property owners where there are site specific zone changes proposed.

Two comments have been received from members of the public regarding two of the proposed site specific changes. One of the landowners supports the removal of the commercial zone while another land owner has requested more time to discuss the change. Township staff have further discussed the proposed commercial change with the landowner of 5220 Vaughan Road, Mr. Harvey Pot. Mr Pot has indicated that he wishes to retain the commercial zoning and allow for time to develop a business plan for the use of the zone. Planning staff do not support maintaining the commercial zone as it is not in alignment with the underlying Prime Agricultural and Good General Agricultural designations and there is no former, current or planned commercial use on the subject lands. The lands are currently productive agricultural lands that also house a poultry barn. Allowing a commercial use to establish may negatively impact the agricultural production on the subject property and surrounding properties.

Additionally, the Region and NPCA have provided written comments. The Region had no objection to the proposed changes with exception of the proposed environmental mapping changes and the recognition of the abattoir use at 5432 Sixteen Road.

More information was provided to the Region, including MECP documents and the accepted affidavit confirming the legal non-conforming status of the abattoir use on the property. The Region reviewed the material provided and still recommended that a holding be placed on the property once all MECP issues have been resolved. Township Staff believe that the MECP issues are separate from the zoning and therefore continue to recommend that the zoning be amended to include the abattoir use as it is already legal non-conforming.

A meeting with the Region and NPCA was held on July 13th to discuss the proposed changes to the environmental mapping. Minor revisions were made to satisfy both agencies.

Public and agency comments can be found in attachment 5 to this report.

CONCLUSION:

Staff recommends that a bylaw be passed to implement the proposed zoning amendments as can be found in Attachment 6 and that notice of passing be circulated and specific property owners notified of the changes as the proposed zoning amendments are in alignment with the applicable provincial, regional and local planning policy.

ATTACHMENTS:

1. Zoning Map – 8365 Silver Street
2. Zoning Map – 9299 Twenty Road
3. Zoning Map – 5220 Vaughan Road
4. Zoning Map – 5432 Sixteen Road
5. Public and Agency Comments
6. Draft Zoning Bylaw Amendment

Prepared & Submitted by:



Gerrit Boerema
Planner II

Approved by:



Bev Hendry
CAO



Brian Treble
Director of Planning & Building

Attachment No. 3 to COA-040-21
Attachment 1 to PD-67-2021
8365 Silver Street - Caistor Fire Station

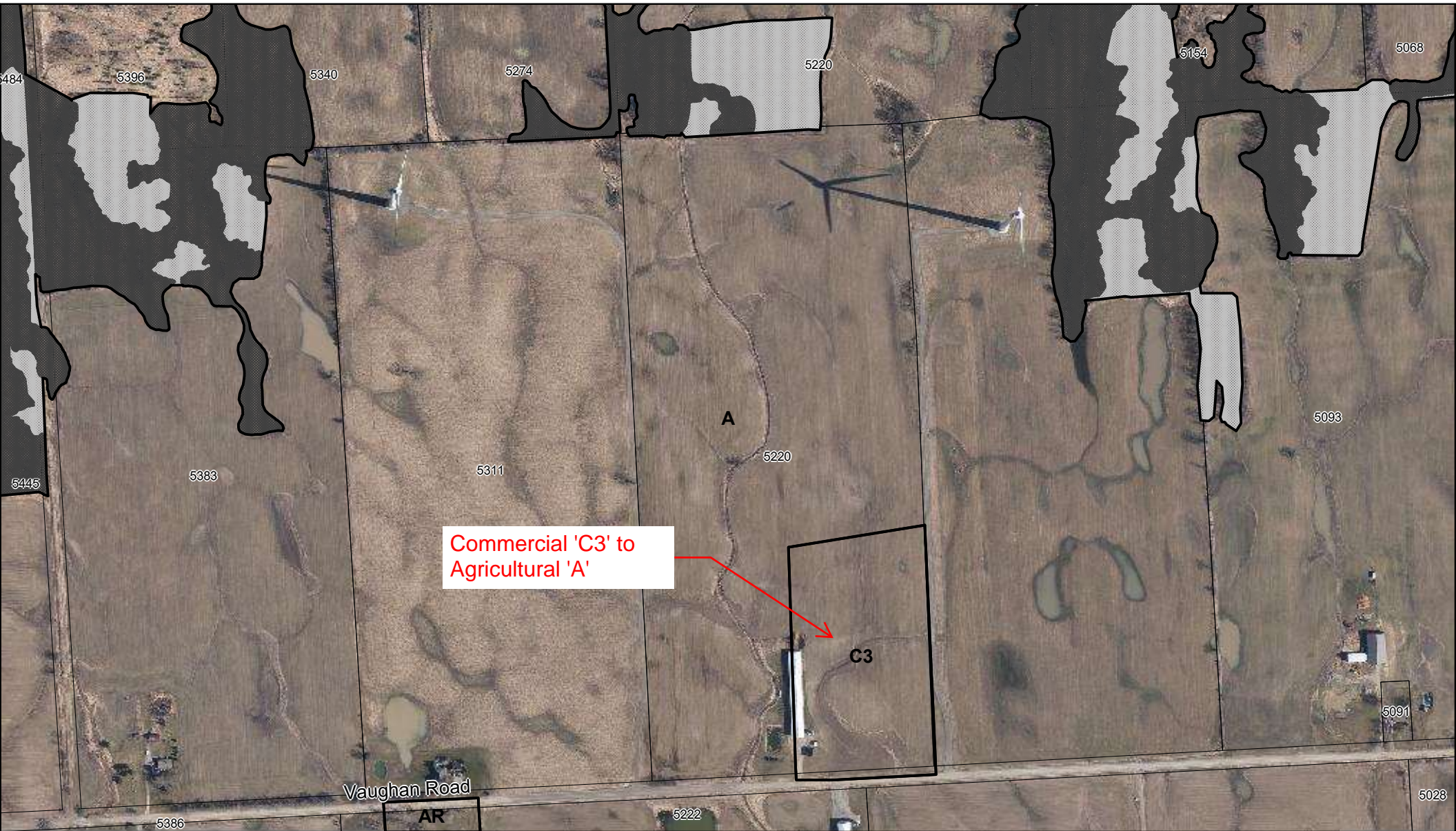


Employment 'M2'
Zone to Institutional 'I'

Attachment No. 3 to COA 040-21
Attachment 2 to PD-07-2021
9299 Twenty Road



Attachment No. 3 to COA-040-21
Attachment 3 to PD-67-2021
5220 Vaughan Road



Attachment No. 3 to COA 040-21
Attachment 4 to PD 067-2021
5432 Sixteen Road - Former St. Anns Food



Gerrit Boerema

From: Jessica Dyson
Sent: June 9, 2021 9:31 AM
To: Gerrit Boerema; Madyson Etzl; Meghan Birbeck; Brian Treble
Cc: Jeni Fisher
Subject: Fw: 1601-009-21 (ZBA) Township of West Lincoln Housekeeping Amendments

Good morning all,

Please see below an email I received last night with respect to the Housekeeping Public Meeting for Monday.

Thank you,
Jess



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.

COVID Update June 3, 2021 – All public health and workplace safety measures under the emergency brake will remain in place until Ontario enters Step One of the Roadmap to Reopen, at which point restrictions will ease with an initial focus on outdoor settings. In compliance with these regulations, the Township Office is closed, however, staff are available to assist the public, Monday to Friday, 9:00 am to 4:30 pm by phone at 905-957-3346 or by email. The best source of information is our new website <https://www.westlincoln.ca> where you can also find specific email address and phone extensions.

From: D & G [REDACTED]
Sent: June 8, 2021 7:26 PM
To: Jessica Dyson
Subject: 1601-009-21 (ZBA) Township of West Lincoln Housekeeping Amendments

To the W.L. Planning/Building/Environmental Committee,

Regarding the property @ 9299 Twenty Road. I was very surprised to learn that the C3 zoning still existed on my farm. The C3 Zoning was

applied to the farm because my grandfather (Clifford Coon) & father (Ron Coon) were plumbers and electricians and serviced the area farmers. They also were actively farming the property as well. The barn was used to house their equipment @ supplies. In 1997/1998 my father severed a retirement lot off the farm & built a new house. I took over the family farm at this point. It was at this time 1997/1998 that West Lincoln informed me that because of the severed retirement lot that the C3 zoning would be removed. I agreed that it was no longer needed. I understand that this is a housekeeping issue and fully agree to the formal removal of the C3 zoning.

If you have any questions, please feel free to contact me.

Thank-you,
Deborah Coon-Petersen

Gerrit Boerema

From: Harvey Pot [REDACTED]
Sent: June 7, 2021 3:12 PM
To: Gerrit Boerema
Subject: 5220 Vaughn Road

Hello Gerrit

Regarding the letter we recieved , we are asking for more time to review our options. We were not aware that this property has a C3 zoning . Our family has owned this property for 60 years and this has never showed up on any searches. We find this very interesting.

Sincerely Harvey H. Pot

Planning and Development Services

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

Via Email Only

June 9, 2021

File No.: D.18.12.ZA-21-0058

Gerrit Boerema
Planner II
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Mr. Boerema:

**Re: Regional and Provincial Comments
Housekeeping Zoning By-law Amendments
Township File No.: 1601-009-21
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the Notice of Public Meeting for the above-noted Zoning By-law Amendment, which proposes a number of general and housekeeping corrections to the Township of West Lincoln's Comprehensive Zoning By-law 2017-70, as amended. The proposed amendments include changes to environmental mapping provisions, accessory building and structure provisions, accessory dwelling unit provisions, legal non-conforming status of dwellings on commercial lots, outdoor storage requirements and several site-specific mapping changes. Additional information on these amendments is outlined in Township Report PD-36-2021, dated April 12, 2021.

Amendment to Part 1.3.6 of the Township's By-law proposes the addition of a process in which Environmental Protection (EP) and Environmental Conservation (EC) mapping can only be altered through a separate process requiring a fee and application form. At the moment, the Township's By-law permits for EP and EC zones to be refined or changed based on better mapping in consultation with the Region and Niagara Peninsula Conservation Authority. This process is currently completed outside of a Zoning By-law Amendment application. Regional staff received additional correspondence dated June 8, 2021, which proposes to instead amend wording in the Township's By-law specific to amending mapping for EC and EP zones based on "better mapping from the Region and Niagara Peninsula Conservation Authority."

Regional Environmental Planning staff are not opposed to updating the requirements to refine EC and EP zones, but are of the opinion that additional discussion is required prior to changes being imposed. Accordingly, it is strongly recommended that this component of the Housekeeping Amendment be removed from consideration until additional discussions can occur amongst West Lincoln, Niagara Peninsula Conservation Authority and Niagara Region staff. Staff from all agencies need to carefully consider the impacts and prescribed processes of the *Planning Act* when revising these policies, and additional time to complete further consultation will result in the creation of environmental policies that appropriately reflect Provincial and Regional interests.

Regional staff has no concerns or objections with respect to the following Township-wide housekeeping amendments:

- Part 3.1, Table 1-1, Number of Accessory Buildings in an Agricultural Zone;
- Table 1-2, Number of Accessory Buildings in Residential Zones;
- Part 3.2.1 e), Accessory Dwelling Unit Septic Requirements;
- Part 7.2, Table 16, Permitted Uses in Commercial Zones; and
- Part 7.3, Table 17, Part 8.3, Table 19, Outdoor Storage.
 - Staff recommend that the Township consider implementing a maximum percentage, in lieu of wording stating “consideration of a higher percentage.”

Regional staff has no concerns or objections with respect to the following site-specific housekeeping amendments:

- 8635 Silver Street, from Industrial ‘M2’ to Institutional ‘I’ to recognize the existing Caistor Fire Station;
- 9299 Twenty Road, from Commercial ‘C3’ to Agricultural ‘A’; and
- 5220 Vaughan Road, from Commercial ‘C3’ to Agriculture ‘A’.

The final site-specific amendment proposes to rezone lands at 5432 Sixteen Road from Agriculturally Related ‘AR’ to Agricultural Related ‘AR-XX’ to recognize a permitted abattoir use. According to the Report, an abattoir was permitted on this site prior to 2017 and the Township’s new By-law removed those permissions. A pre-consultation meeting was held for this property on July 16, 2020, where it was indicated that the abattoir use on the lands was not continuous, and a Zoning By-law Amendment was required to “allow for the abattoir use again to begin production.” At the time of the pre-consultation meeting, Regional staff expressed concerns with the re-introduction of this use as it relates to compatibility with surrounding existing uses (including numerous rural residential lots) and odour. The applicant had indicated that information regarding odour was available from the Ministry of the Environment, Conservation and Parks (MECP) Environmental Compliance Approval (ECA), and was to provide this information to Township and Region staff. Regional staff informed the applicant that if suitable information was not available through the MECP ECA, then the submission of

an air quality assessment for odour emissions, completed by a Qualified Professional, was required to support the By-law Amendment. As of the date of these comments, Regional staff has not received any information to address odour concerns, either from the MECP ECA or a separate air quality assessment. Additionally, MECP's Access Environment mapping does not identify an ECA for the subject property as of June 8, 2021; however, it is noted that some historical ECAs may not be identified on this mapping tool.

At the time of the pre-consultation meeting for 5432 Sixteen Road, it was noted that Provincial Officer's Orders were placed on the property. As of July 2020, staff from the MECP Drinking Water and Environmental Compliance Division indicated that these Orders needed to be resolved, and Regional staff understand that they should be resolved prior to the abattoir use being re-introduced. Accordingly, Regional staff recommend that the Township confirm the status of the Provincial Officer's Orders with the MECP.

Given the above discussion, Regional staff remain concerned with the potential impacts generated as a result of re-introducing the abattoir use on the 5432 Sixteen Road. Impacts related to air quality and odour emissions have not sufficiently been addressed and, as a result, Regional staff are unable to confirm that this use will be compatible with, and will not hinder surrounding agricultural and rural residential uses. As such, Regional staff recommend the following:

- That the site-specific amendment for 5432 Sixteen Road be removed from the proposed Housekeeping Amendments, and be addressed through a separate site-specific Zoning By-law Amendment process that is supported with all applicable studies and information; or
- That a Holding (H) provision be added to the site-specific amendment for 5432 Sixteen Road to require the submission of additional studies and information to address compatibility prior to the re-introduction of the abattoir use. If the Township chooses to proceed with this option, it is unclear at this time whether the odour compatibility concerns can be sufficiently addressed on-site. As such, it is unclear whether the abattoir use can feasibly be permitted on this property.

Conclusion

Regional Planning and Development Services staff has offered the above comments for consideration by the Township. Regional staff has no concerns with the following proposed amendments:

- Part 3.1, Table 1-1, Number of Accessory Buildings in an Agricultural Zone;
- Table 1-2, Number of Accessory Buildings in Residential Zones;
- Part 3.2.1 e), Accessory Dwelling Unit Septic Requirements;
- Part 7.2, Table 16, Permitted Uses in Commercial Zones;
- Part 7.3, Table 17, Part 8.3, Table 19, Outdoor Storage;

- 8635 Silver Street, from Industrial 'M2' to Institutional 'I' to recognize the existing Caistor Fire Station;
- 9299 Twenty Road, from Commercial 'C3' to Agricultural 'A'; and
- 5220 Vaughan Road, from Commercial 'C3' to Agriculture 'A'.

Regional staff is currently unable to support the amendments related to Part 1.3.6 (Township Environmental Mapping) and 5432 Sixteen Road, and strongly recommend that these sections be removed from the Housekeeping Amendment proposal for the time being. Revisions to Part 1.3.6 will require significant correspondence and collaboration amongst at least Niagara Region, Niagara Peninsula Conservation Authority and Township of West Lincoln staff; removing this section from the Housekeeping Amendment will provide additional time to refine policy wording to address Provincial and Regional policies and interests. Site-specific zoning for 5432 Sixteen Road should be supported by additional studies and information to address compatibility and odour concerns; removing this section from the Housekeeping Amendment will provide for the site-specific change to proceed through a public process and be supported by necessary documentation and information (i.e. air quality assessment to address odour).

Regional staff look forward to continued collaboration with the Township of West Lincoln to address the amendments related to Part 1.3.6 of the Township's By-law and 5432 Sixteen Road.

If you have any questions or wish to discuss these comments, please contact the undersigned at aimee.alderman@niagararegion.ca, or Lola Emberson, MCIP, RPP, Senior Development Planner, at lola.emberson@niagararegion.ca.

Please send notice of Council's decision regarding these amendments.

Best regards,



Aimee Alderman, MCIP, RPP
Development Planner

cc: Mr. A. Boudens, Senior Environmental Planner/Ecologist, Niagara Region
Ms. C. Lampman, Manager, Environmental Planning, Niagara Region
Mr. P. Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Mr. R. Alguire, C.E.T., Development Approvals Technician, Niagara Region

Gerrit Boerema

From: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: July 22, 2021 4:05 PM
To: Gerrit Boerema
Cc: Busnello, Pat; Morreale, Diana
Subject: RE: West Lincoln bylaw amendment - St Anns Abattoir (5432 Sixteen Road, WL)
Attachments: Regional Comments.pdf

Hi Gerrit,

Thank you for providing the additional documentation/information. Understanding that this amendment is proceeding to Township Council on Monday night (July 26, 2021), the following additional comments are offered specific to the proposed abattoir at 5432 Sixteen Road in West Lincoln:

Regional Planning and Development Services staff maintain that the site-specific zoning to permit the abattoir use at 5432 Sixteen Road should incorporate a Holding (H) provision to ensure that Provincial and Regional policies to permit agriculture-related uses are satisfied (including, but not limited to, Criterion #2 for agriculture-related uses as listed in the OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas). This approach was recommended through the attached Regional Comments letter, dated June 9, 2021. Through implementing the Holding (H) provision, the proponent will be afforded additional time to obtain an Environmental Compliance Approval, as/if necessary, from the Ministry of the Environment, Conservation and Parks; based on previous correspondence with MECP staff, it is anticipated that the proposed abattoir will require an Environmental Compliance Approval for air (i.e. odour).

Regional staff are of the opinion that the implementation of the Holding (H) provision will provide the opportunity for the proposed abattoir to be consistent with the Provincial Policy Statement, and conform with the Regional Official Plan. It is also recommended that the status of the Provincial Officer's Orders on the subject lot be confirmed with MECP staff, to support the implementation of the Holding (H) provision.

Should you have any questions regarding the above comments, please contact me.

Thank you,

Aimee Alderman, MSc, MCIP, RPP
Senior Development Planner
Planning and Development Services
Regional Municipality of Niagara | www.niagararegion.ca
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
Phone: 905-980-6000 ext. 3352 | Toll-free: 1-800-263-7215
Email: aimee.alderman@niagararegion.ca

From: Gerrit Boerema <gboerema@westlincoln.ca>
Sent: Tuesday, July 13, 2021 3:19 PM

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-##

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

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

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

1. THAT, Part 1 “Administration” of Zoning Bylaw 2017-70 as amended, is hereby amended by deleting Subsection 1.3.6 f) and replacing it with the following:

- f) As an Environmental Protection (EP) Zone or an Environmental Conservation (EC) Zone, the boundary shall follow the limits of identified natural environment features and any associated buffer area required to protect the environmental features and their ecological functions which shall be based on the most detailed resource mapping available and may be more precisely determined in consultation with the Niagara Peninsula Conservation Authority or other agencies having jurisdiction in the area, and where detailed resource mapping becomes available after the effective date of this By-law the limits of the EP and EC zone boundaries may be refined without the requirement for a zoning by-law amendment where the changes are required to be in conformance to Regional and NPCA environmental mapping. Private landowner requests will also be considered under this clause where:
- i. The change relates to an adjustment of the EC zone; or,
 - ii. The change relates to an adjustment to the EP zone where the flood hazard limit has been identified; or,
 - iii. The change relates to an adjustment of the EP zone other than the flood hazard limit where a technical study, through consultation with the Township, Region of Niagara and NPCA, is not required.

All requirements of this By-law shall be applied relative to the revised interpretation of the EP and EC zone boundaries, including any applicable setbacks and the uses and regulations of the adjacent zone on the same lot shall apply;

2. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by amending Subsection 3.1 Table 1-1: Regulations for Accessory Buildings and Structures in Agricultural Zones:

Regulation		Accessory Buildings or Structures in an Agricultural Zone		
		Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 120m ²)	Type 3 (greater than 120m ²)
Maximum <i>ground floor area</i> per <i>building</i> or <i>structure</i>		10m ²	120m ²	Based on maximum <i>lot coverage</i> (see below)
Maximum number of <i>accessory buildings</i> or <i>structures</i> per <i>lot</i>	<i>Accessory buildings</i>	3	2	Based on maximum <i>lot coverage</i> (see below)
	<i>Accessory Structures</i>	Based on maximum <i>lot coverage</i> (see below)		
Permitted <i>yards</i>		All <i>Yards</i> except the <i>required front yard</i> or <i>required exterior side yard</i> , except that a Type 1 <i>accessory building</i> or <i>structure</i> used for the retail sale of farm produce shall be permitted in the <i>required front yard</i> and <i>required exterior side yard</i>		
Minimum setback to <i>front lot line</i>		No closer to the <i>front lot line</i> than the <i>main building</i> , and in accordance with the minimum <i>yard</i> requirements of the applicable <i>zone</i> , except that a Type 1 <i>accessory building</i> or <i>structure</i> used for the retail sale of farm produce shall not be located any closer than 6 metres to the <i>front lot line</i>		

Regulation		Accessory Buildings or Structures in an Agricultural Zone		
		Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 120m ²)	Type 3 (greater than 120m ²)
Minimum setback to <i>exterior side lot line</i>		No closer to the <i>exterior side lot line</i> than the <i>main building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i> , and a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 6 metres to the <i>exterior side lot line</i>		
Minimum setback to <i>interior side lot line</i>		1.2 metres	2 metres	7.5 metres
Minimum setback to <i>rear lot line</i>				
Maximum <i>height</i>		3 metres	5.5 metres	10 metres
Maximum <i>lot coverage</i> of all <i>accessory buildings or structures</i> on the <i>lot</i>	<i>Lot area</i> 0.4 ha or less	200m ² or 8% of the lot area, whichever is less, provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>		Not permitted on this <i>lot</i> size
	<i>Lot area</i> 0.5 ha to 2 ha	Greater of 5% or 320m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> 2.1 ha to 10 ha	Greater of 2.5% or 1,000 m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> greater than 10 ha	Greater of 1% or 2,500 m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>		
Minimum setback from <i>main building</i> ⁽¹⁾		1.5 metres	3 metres	
Maximum distance from a <i>main building</i>		The nearest point of a wall of the accessory building must be located within 50 metres of the <i>main building</i> (Bylaw 2018-61)		

3. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by amending Subsection 3.1 Table 1-1: Regulations for Accessory Buildings and Structures in Non-Agricultural Zones:

Regulation		Accessory Buildings or Structures in a Residential Zone	Accessory Buildings or Structures in a Commercial, Institutional or Open Space Zone	Accessory Buildings or Structures in an Employment Zone
Maximum ground floor area per building or structure	RuR and R1A Zones	120m ²	Based on maximum lot coverage (see below)	
	All other Residential Zones	50m ²		
Maximum number of accessory buildings or structures per lot	Accessory buildings	2		
	Accessory Structures	Based on maximum lot coverage (see below)		
Permitted yards		Interior Side Yard Rear Yard	All Yards	
Minimum setback from front lot line		No closer to the front lot line than the main building	4.5 metres	15 metres
Minimum setback to exterior side lot line		No closer to the exterior side lot line than the main building, except that a detached private garage in the rear yard shall not be located any closer than 6 metres to the exterior side lot line		
Minimum setback to interior side lot line		1.2 metres, except that this shall not apply to prevent a permitted detached private garage which services two dwellings that are each on a separate lot	1.2 metres, or as required in the applicable zone where a lesser interior side yard is required for the main building	5 metres
Minimum setback to rear lot			1.2 metres	7.5 metres

Regulation		Accessory Buildings or Structures in a Residential Zone	Accessory Buildings or Structures in a Commercial, Institutional or Open Space Zone	Accessory Buildings or Structures in an Employment Zone
line				
Maximum height		5 metres	6 metres	10 metres
Maximum lot coverage	RuR and R1A Zones	200m ² or 8% of the lot area, whichever is less, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone	8% of the lot area, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone	
	All other Residential Zones	100m ² or 8% of the lot area, whichever is less, provided the lot coverage shall not exceed the maximum lot coverage requirement for all buildings and structures in the respective zone		
Minimum setback from main building ⁽¹⁾		1.5 metres	3 metres	

4. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Subsection 3.2.1:

- e) On a lot that is not serviced by municipal sewage services and/or municipal water services, an accessory dwelling unit shall not be permitted unless the lot has a minimum lot area of 0.4 hectare and the private sewage services and/or private water services are approved for the lot with adequate capacity for the accessory dwelling unit and any other uses on the lot. **Accessory dwelling units shall not be permitted to have separate septic systems.**

5. THAT, Part 3 “General Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Subsection 3.25.1 a):

- v. Pre-fabricated shipping containers are permitted as temporary construction uses limited to new construction or re-construction of a main building as per Section iv. A maximum of one shipping container for temporary construction use is permitted per lot and is subject to all other provisions of this bylaw and require a separate building permit.

6. THAT, Part 7 “Commercial Zones” of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Table 16: “Permitted Uses in Commercial Zones:

Uses	Zones where Permitted			
Principal Uses				
Single Detached Dwelling			C3 ⁽²⁾	
Apartment dwelling	C1			
Art gallery	C1			
Commercial kennel (see s. 3.8)			C3	
Commercial school	C1	C2	C3	C4
Communications establishment	C1		C3	C4
Contractors establishment			C3	
Day care		C2		
Drive-through facility (see s. 3.12)			C3	C4
Dry cleaning/ laundry depot	C1	C2	C3	C4
Financial institution	C1		C3	C4
Funeral home	C1		C3	
Garden centre			C3	C4
Hotel/ motel			C3	
Motor vehicle dealership			C3	

Uses	Zones where Permitted			
Motor vehicle gasoline bar			C3	C4
Motor vehicle repair establishment			C3	
Motor vehicle service station			C3	C4
Motor vehicle washing establishment			C3	C4
Office, including a medical office	C1	C2	C3	C4
Personal service shop	C1	C2	C3	C4
Pet care establishment (see s. 3.8)			C3	C4
Place of entertainment	C1		C3	C4
Private club	C1		C3	C4
Recreation facility	C1		C3	C4
Restaurant	C1	C2	C3	C4
Retail store	C1	C2	C3	C4
Service shop	C1		C3	C4
Shopping center				C4
Studio	C1	C2	C3	C4
Veterinary clinic	C1		C3	C4
Wayside pit or quarry (see s. 3.27)			C3	C4
Accessory Uses ⁽¹⁾				
Accessory buildings or structures and accessory uses (see s. 3.1)	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾
Accessory dwelling units (see s. 3.2)	C1 ⁽¹⁾			
Outside display and sales area			C3 ⁽¹⁾	C4 ⁽¹⁾
Outside storage			C3 ⁽¹⁾	C4 ⁽¹⁾
Renewable energy system (see s. 3.15)	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾

⁽¹⁾ Denotes *uses* that are only permitted accessory to or in conjunction with a permitted *principal use*.

⁽²⁾ Existing Single Detached Dwellings outside of settlement areas within Commercial ‘C3’ Zones, and additions and alterations are permitted and are subject to the setbacks and lot coverage regulations of the Rural Residential ‘RuR’ zone.

7. THAT, Part 7 “Commercial Zones” of Zoning By-law 2017-70, as amended, is hereby amended by deleting Table 17 “Regulations for Permitted Uses in Commercial Zones” and replacing it with the following:

Regulation		Zone Requirements			
		C1 ^{(1),(2)}	C2	C3	C4
Minimum <i>lot area</i>		-	500m ²	750m ²	900m ²
Minimum <i>lot frontage</i>		-	15m	25m	30m
Minimum <i>front yard</i>	Adjoining Regional Road 14 or 20	-	6m	9m	
	Other	6m			
Minimum <i>exterior side yard</i>	Adjoining Regional Road 14 or 20	-	6m		
	Other	6m			
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	3m	5m	9m	
	Other	-	3m	6m	
Minimum <i>rear yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	6m	6m	9m	
	Other			6m	
Maximum <i>lot coverage</i>		-	45%	50%	
Minimum <i>height</i>		2 storeys	-		
Maximum <i>height</i>		15m	10m		
Minimum <i>landscaped open space</i>		-	20%	10%	
Maximum <i>outside storage</i>		-		25% of <i>lot area</i> ⁽³⁾	
Maximum <i>gross leasable floor area</i>	Per <i>commercial use</i>	-	280m ²	-	
	Total % of <i>lot area</i>		45%	50%	

⁽¹⁾ An apartment dwelling in the C1 Zone shall be permitted as an exclusive *principal use* of a main building or shall be located above the first storey within a main building containing a permitted non-residential *principal use* on the ground floor, and shall be subject to the minimum lot area, minimum separation distance between dwellings on the same lot and minimum amenity area requirements of the RH Zone in accordance with Section 6.3, Table

15. All other requirements of the C1 Zone shall apply.

- (2) The maximum number of *accessory dwelling units* on a *lot* in the C1 Zone shall not exceed 1 *dwelling unit* per 120 m² of *lot area*.
- (3) *Outside storage* for purposes other than *outside display and sales areas* on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*.

8. THAT, Part 7 “Employment Zones” of Zoning By-law 2017-70, as amended, is hereby amended by deleting Table 19 “Regulations for Permitted Uses in Employment Zones” and replacing it with the following:

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

- (1) Minimum *yard* requirements apply to *buildings, structures* and aggregate stockpiles.
- (2) A minimum of 50% of required *landscaped open space* shall be located in the *front yard*.
- (3) *Outside storage* for purposes other than *outside display and sales areas* on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and adjacent *lots*.

9. THAT, Map C3 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on 8635 Silver Street, shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Employment “M2” zone to an Institutional “I” zone.
10. THAT, Map B2 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the 9299 Twenty Road shown on Schedule ‘A’, attached hereto and forming part of this By-law from a Commercial “C3” zone to an Agricultural ‘A’ zone.
11. THAT, Map E7 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of 5220 Vaughan Road, shown on Schedule ‘A’, attached hereto and forming part of this By-law from a Commercial “C3” zone to an Agricultural “A” zone.
12. THAT, Map C7 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of 5432 Sixteen Road, shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Agriculturally Related “AR” zone to an Agricultural Related “AR-204” zone with a site specific exception.
13. THAT, Section 13 “Special Provisions” to Zoning Bylaw 2017-70, as amended, is hereby amended by adding the following to Table 29 “Site Specific Exceptions”:

Site-Specific Provision #	Map #	Parent Zone(s)	Permitted Uses	Regulations
204	C7	AR	As per the parent zone, plus an abattoir	As per the parent zone.

14. 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.
14. 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 26th
DAY OF JULY, 2021.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

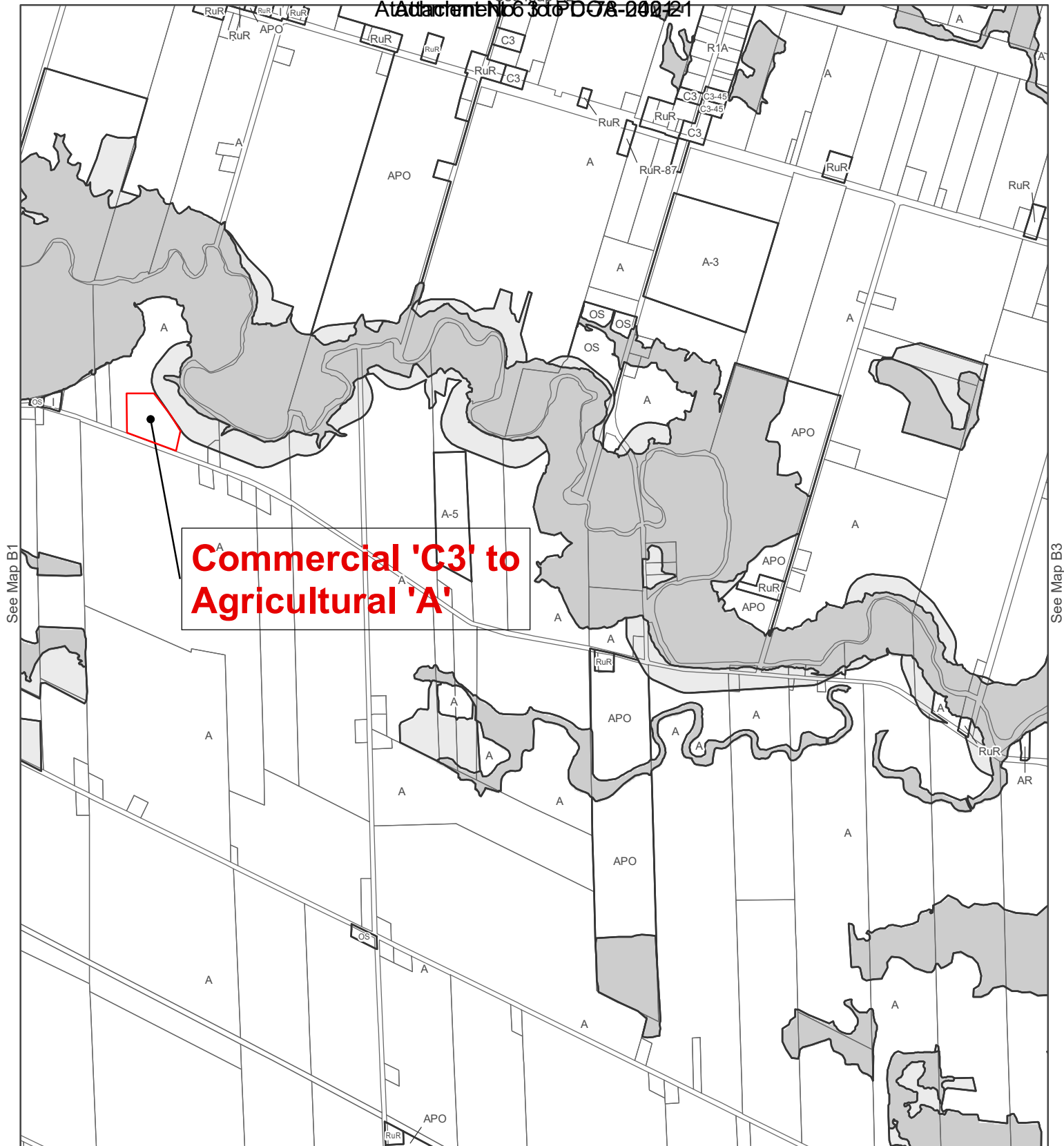
EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2019-##

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

A Public Meeting was held on June 14, 2021. No members of the public provided oral comments. Two written comments were received from property owners. No other public comments were received. All comments received were evaluated by staff and Council through their decision.

File: 1601-009-21
Township of West Lincoln

DRAFT



See Map C2

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

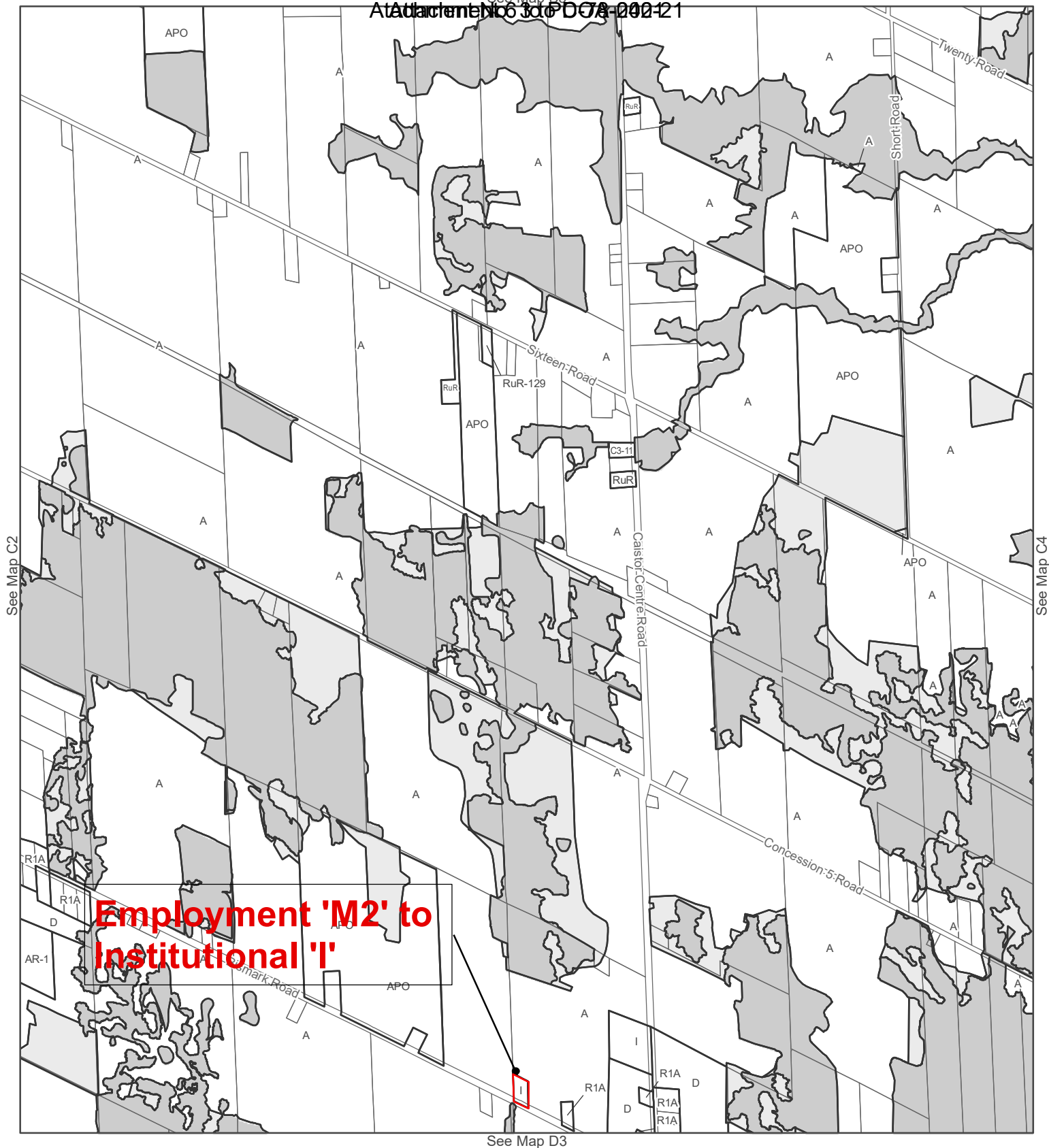
Township of West Lincoln

Schedule A

Zoning By-law No.2017-70

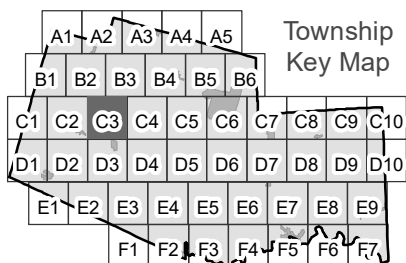
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Last Updated: February 2021

Map
B2

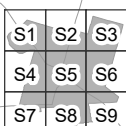


**Employment 'M2' to
Institutional 'I'**

See Map D3



Smithville Key Map



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

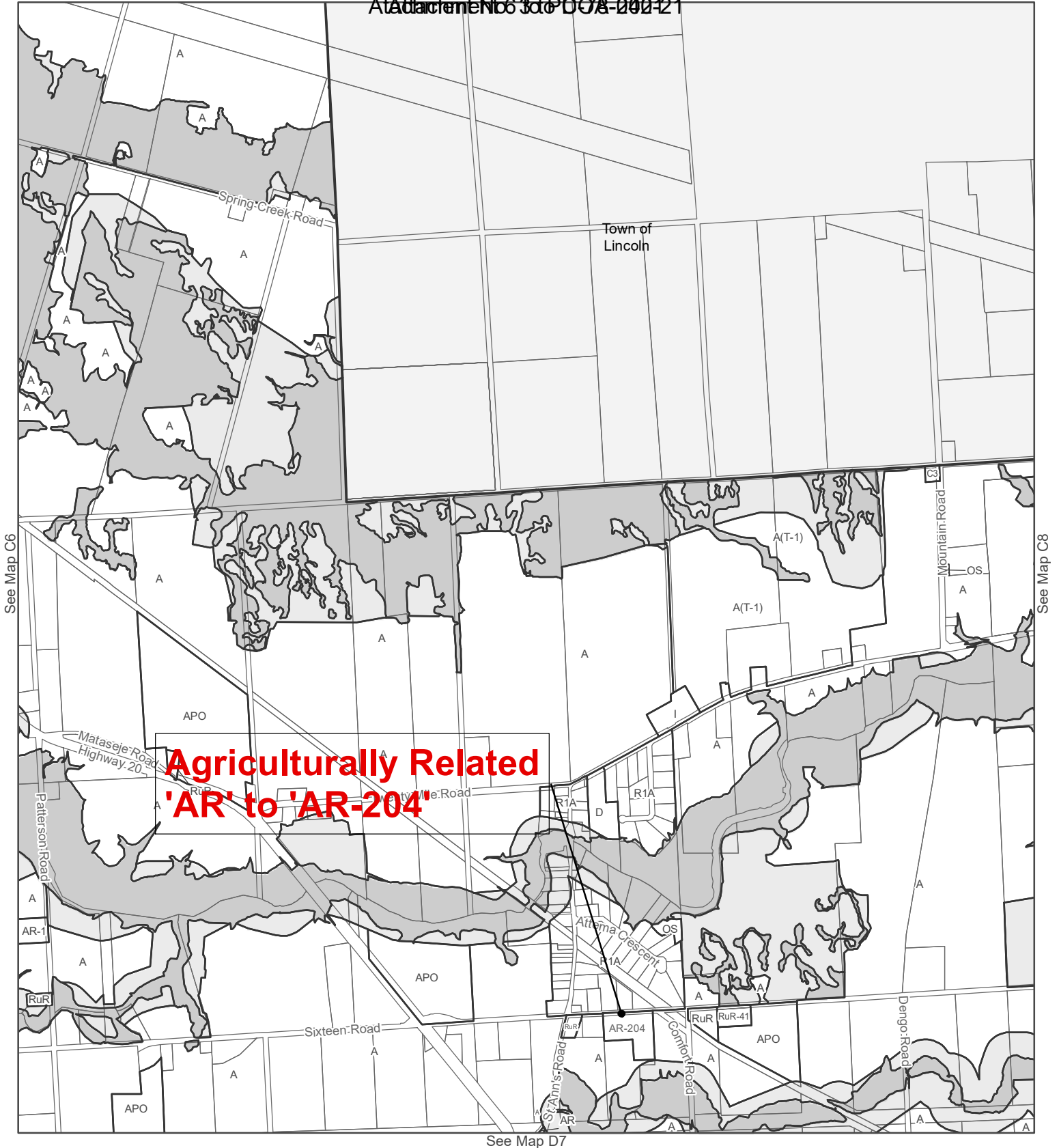
Township of West Lincoln

Schedule A

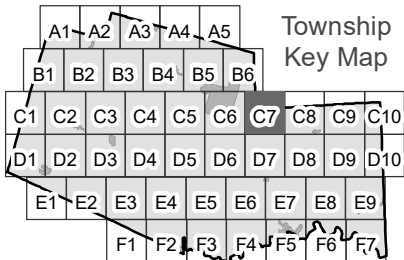
Zoning By-law No.2017-70

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Last Updated: February 2021

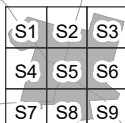
Map
C3



See Map D7



Smithville Key Map



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

Township of West Lincoln

Schedule A

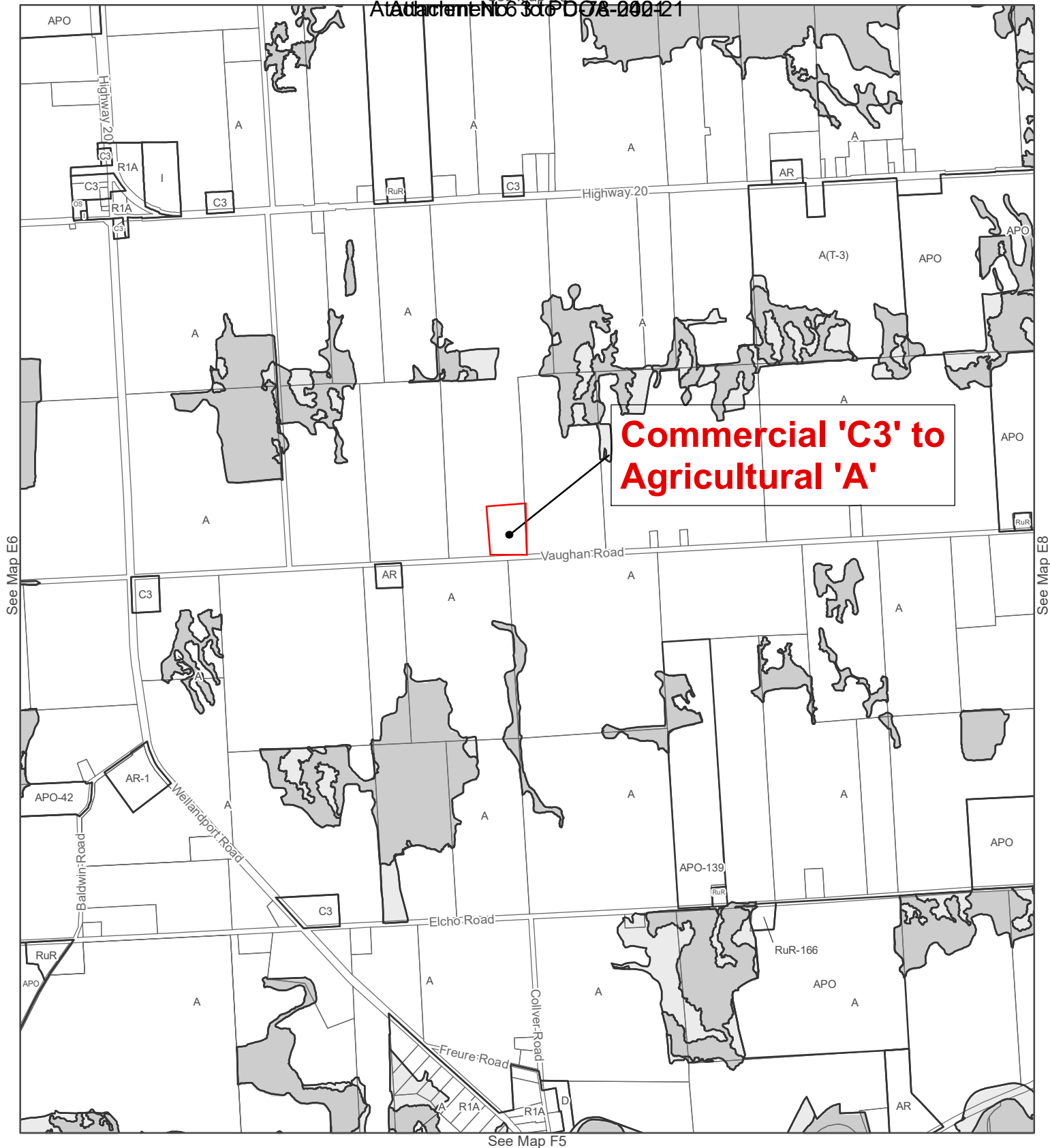
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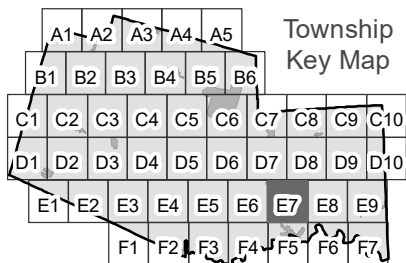
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Last Updated: February 2021

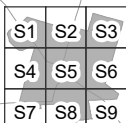
Map
C7



See Map F5



Smithville Key Map



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

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

1:20,000
0 500 m
Last Updated: February 2021

Map
E7

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: October 14, 2021 9:50 AM
To: Meghan Birbeck
Subject: NPCA Comments - October 27th Committee of Adjustment Meeting

Hello Meghan,

Please see below the NPCA's comments on the four applications you had circulated to me for the October 27th Committee of Adjustment meeting.

20 Wallis Avenue

- A portion of the subject property is impacted by a mapped Floodplain Hazard, and the 30 metre development buffer associated with a Provincially Significant Wetland (PSW). However, the proposed carport addition does not fall within the hazard or development buffer on site.
- As such, the NPCA will have no objections to the proposed Minor Variance.

6662 Vaughan Road

- A portion of the subject property falls within 15 metres of a Watercourse. However, the proposed shop appears to be located outside of the 15 metre development buffer associated with the Watercourse.
- As such, the NPCA will have no objections to the proposed Minor Variance.

3625 Sixteen Road

- The subject property is impacted by NPCA regulated Watercourses, Unevaluated Wetlands, and a mapped Floodplain Hazard. However, the proposed Quail Livestock Barn is located outside of the Floodplain Hazard, outside of the 15 metre development buffer associated with the Watercourses, and outside of the 30 metre development buffer associated with the Wetlands.
- As such, the NPCA will have no objections to the proposed Minor Variance.

7330 Concession 3 Road

- The subject property is impacted by NPCA regulated Watercourses, and Provincially Significant Wetlands (PSW). Although the proposed lot lines appear to bisect a portion of the 15 metres development buffer associated with a Watercourse, NPCA Policy does not prohibit lot creation within 15 metres of a Watercourse.
- As such, the NPCA will have no objections to the proposed Surplus Farm Dwelling Severance application.

Please let me know if you have any questions.

Sincerely,

Meghan Birbeck

From: Jennifer Bernard
Sent: October 12, 2021 10:37 AM
To: Meghan Birbeck
Subject: RE: October Committee of Adjustment meeting, West Lincoln

Hi Meghan,

I have no comments to provide for the revised application A28/2021WL and A30/2021WL.

Thanks,
Jenn



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COVID 19 Update September 21, 2021 – As we continue to navigate the pandemic, the Township of West Lincoln is preparing to implement new regulations from the Provincial Government, which require all eligible individuals to be fully vaccinated against COVID-19 (two doses plus 14 days), and to provide proof of their vaccination status prior to accessing certain businesses and settings. Please read the latest update on our [website](#)

From: Meghan Birbeck
Sent: October 12, 2021 10:10 AM
To: Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; susan.dunsmore@niagararegion.ca; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Sue.Mabee@dsbn.org; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Jessica Kroes <jkroes@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Ray Vachon <rvachon@westlincoln.ca>
Subject: FW: October Committee of Adjustment meeting, West Lincoln

Good morning,

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

October 14, 2021

File No.: D.17.12.MV-21-0092

Meghan Birbeck
Secretary Treasurer
Committee of Adjustment
Township of West Lincoln
318 Canborough Street
Smithville, ON, L0R 2A0

Dear Ms. Birbeck:

**Re: Minor Variance Application
Regional and Provincial Comments
Township File No.: A28/2021WL
Address: 6662 Vaughan Road, Township of West Lincoln**

Regional Planning and Development Services staff has completed a review for the above-mentioned Minor Variance application which has been applied for to permit a proposed Type 2 Agricultural Accessory Building to be built with a height of 6.7 metres whereas Table 1-1 of the Township's Zoning By-law 2017-70, as amended, identifies that the maximum height for a Type 2 Agricultural Accessory Building is 5.5 metres. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

Core Natural Heritage System

The subject property is adjacent to the Region's Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 15 m of Type 2 Fish Habitat.

The proposed agricultural accessory building is more than 15 m from Fish Habitat. As such, Environmental planning offers no requirements.

Conclusion

Regional Planning and Development Services staff offers no objection to the Minor Variance application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements. If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3268 or Susan Dunsmore, P. Eng., Manager, Development Engineering, at extension 3661.

Please send notice of the Committee's decision regarding this application.

Best Regards,

A handwritten signature in blue ink, appearing to read 'R. Alguire', is positioned below the 'Best Regards,' text.

Robert Alguire, C.E.T.
Development Approvals Technician
Niagara Region

cc: Lori Karlewicz, B. Sc., Planning Ecologist, Niagara Region