

DATE: July 15, 2024

REPORT NO: PD-32-2024

SUBJECT: **Technical Report – Comprehensive Zoning By-law 2017-70 Housekeeping Amendment No. 8 (File No. 1601-005-24)**

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OVERVIEW:

- Since the Comprehensive Zoning By-law 2017-70, as amended was approved in June of 2017 there have been updates through minor housekeeping amendments to keep the by-law functioning as intended and to correct minor site specific issues.
- Township Planning Staff have identified a number of minor updates that should be addressed through an additional round of housekeeping amendments to the Zoning By-law. These issues include:
 - Update Part 2 to include more definitions to provide greater clarity.
 - Adjustments to the regulations for private garages for consistency.
 - Adjustments to the regulations for parking for multiple residential uses (apartments/townhouse, stacked and back to back townhouse dwellings) and industrial uses.
 - Adjustments to the lot coverage for small holdings that are agriculturally zoned (around 1 acre in size).
 - Adjustments to the regulations for accessory dwelling units (ADUs).
 - Adjustments to the regulations for accessory farm dwellings.
 - Adjustments to the maximum lot coverage for multiple residential dwellings (RM3 and RM4 zone, back to back townhouse units).
 - Adjustments to the regulations for minimum amenity area for the RM3/RM4/RH zones with 5 to 8 dwellings on one lot and 9 or more dwellings on one lot.
 - Adjustments to the Employment zones to include warehouse.
 - Addition of a new mixed-use zone particularly for the Downtown Area and new Secondary Plan Areas (e.g., East Smithville, North West Smithville, OPA 62, Urban Expansion Area).
 - Consideration of allowable building heights for mixed use and high density zones.
- This effort is part of an ongoing attempt to keep the Zoning By-Law current and functional.

RECOMMENDATION:

1. That, Technical Report PD-32-2024, titled “Technical Report – Comprehensive Zoning By-law 2017-70, Housekeeping Amendment No. 8 (File No. 1601-005-24)”, dated July 15, 2024 be received; and,
2. That, Staff present a Recommendation Report to a future Planning/Building/Environmental Committee meeting when all public and agency comments have been received and given full consideration and a full planning review is completed.

ALIGNMENT TO STRATEGIC PLAN:

- **Build** – A safe, connected caring and active community
- **Champion** – Strategic and responsible growth

BACKGROUND:

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

The zoning bylaw has functioned well and has been a great improvement, however, since that time, minor issues have been identified concerning Township wide regulations and site specific zoning provisions. Many of these issues have been addressed through previous housekeeping amendments over the last few years to keep the by-law current.

A few new issues and opportunities have come to the attention of Township Planning Staff, and Staff are proposing to address these through another housekeeping amendment process. Since these changes would result in amending the Township Zoning By-law, a public consultation process is required for participation and to understand the purpose for the proposed amendments to the regulations.

A number of changes have also been triggered by Provincial Changes through Bill 23, Bill 185 and proposed changes to the Provincial Policy Statement (PPS).

CURRENT SITUATION:

Township Planning Staff have identified a number of issues and opportunities with the current Zoning By-law regulations that need to be addressed, mostly on a Township wide level. The proposed changes are described in more detail in Table 1 found at the end of this section.

To determine the appropriateness of the changes requires a review of current policies that apply to the proposed amendments as follows:

1. Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction for all planning matters

in the Province. All planning decisions in the Province shall be consistent with the policies in this Plan. The PPS encourages development that will provide long term prosperity, environmental health and social well-being. These directives depend on the efficient use of land and development patterns that support strong, livable and healthy communities that protect the environment and public health and facilitate economic growth.

Section 1.4 Housing provides the policies related to an appropriate range and mix of housing options and densities to meet projected requirements of current and future residents. To assist with the objectives for housing unit supply and residential intensification with the implementation of targets for affordability to all income households, increasing the building heights at strategic locations to maximize the unit count in a smaller building footprint and permitting accessory dwelling units on the ground floor to be completely accessible for the aging demographic provide opportunities to integrate different housing types to meet the social, health, economic and wellbeing requirements of the growing Township.

Section 1.7 Long-Term Economic Prosperity provides the policies for promoting opportunities for economic development and community investment-readiness and responding to changes in market based needs for housing and the workforce. The proposed changes to the building heights in the residential zones with ground floor parking will align with the objectives for the optimization of utilizing land in a well-designed built form that is compatible to the adjacent uses. The proposed changes to include a mixed use commercial zone will allow for the integration of residential uses above ground floor commercial uses and optimize new development geared to intensify land for higher densities for employment and residential uses.

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

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

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

The proposed changes to the building heights, option for ground floor accessory dwelling units in the settlement areas, revisions to the garage width for townhouse units for optional parking space will provide the necessary flexibility in strategic locations throughout the municipality to optimize opportunities for new development geared to intensify land available for growth in a compact built form.

The inclusion of a mixed use commercial zone will promote the new opportunities to complement the residential uses which can take various forms and allow for efficient use of land that encourages pedestrian connections (multi-use trails) into the new neighbourhoods and existing neighbourhoods to help reduce the reliance for vehicle use. The mixed commercial use zone blends multiple uses such as residential, commercial, institutional, and open space where they can be physically and functionally integrated.

3. Niagara Region Official Plan

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

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

Chapter 6 – Vibrant Region Directive of the Plan is providing policies that focus on creating vibrant urban and rural settlements and the tools necessary to effectively and proactively manage growth in a coordinated and comprehensive approach. The Region provides urban design policies to assist municipalities in achieving a high-quality built environment through the design of the built form and support the development of healthy, vibrant and safe communities.

The proposed changes to allow for the building heights in the residential zone to exempt the ground floor parking requirements from the total height can provide for more flexibility in the type and size of larger scaled buildings making the municipality more competitive and attractive to developers that can contribute to growth of the Township. Furthermore, the ability to offer options for accessory dwelling units in the settlement areas on the ground floor provide for these units to be accessible for all ages and

abilities which can help to manage growth within the urban settlement areas and accommodate growth through strategic intensification and higher densities to protect the character of rural and agricultural areas.

The proposed changes to the private garages and parking for a warehouse use offers flexibility and can promote opportunities for different building forms and sizes in the settlement areas that can make parking requirements attainable.

4. Township of West Lincoln Zoning Bylaw 2017-70

The Township’s Official Plan directs new forms of development and intensified growth to the settlement area of Smithville which offers full municipal services and the transportation network throughout the Township and to adjoining municipalities. The Official Plan provides policies to direct growth to underutilized lands in the settlement area including greenfield lands that is to develop at not less than 50 people and jobs per hectare and support infill and intensification targets.

The proposed changes to buildings heights will permit the ability to intensify lands at higher densities and the integration of a mix and range of housing types and options with compact built forms in appropriate locations, to ensure compatibility with established residential areas. Furthermore, the higher density and larger scaled buildings will condense growth in central locations in the urban settlement area and maintain the sustainability of the agricultural lands and natural heritage environment.

5. Proposed Amendments

Summary of proposed amendments are found in Table 1 below. In addition, the attachment to this report, which is the draft amending by-law, has the proposed changes highlighted in yellow.

Table 1: Proposed Zoning By-law Amendments for Consideration and Further Discussion

Section/Table #	Regulation	Proposed Changes	Staff Comments
Part 2 – Definitions		Include new and updated terms and definitions to be consistent with current legislation. These terms include: <ul style="list-style-type: none"> • Berm • Bonafide Farm Operation • Buffer Area • Warehousing 	Provide more clarity for terms used in the By-law currently not defined and/or to provide clearer definitions to avoid misinterpretation or subjectivity and the wrong intent.
Section 3.1 Accessory Buildings or Structures and	Permitted Yards	Type 1 (0.1 to 10m ²) and Type 2 (10.1 to 120m ²) All Yards except the	Staff recognize that for the larger agricultural parcels, the placement of accessory buildings and structures

Section/Table #	Regulation	Proposed Changes	Staff Comments
Accessory Uses Table 1-1 Regulations		required front yard or required exterior side yard, except that a Type 1 accessory building or structure used for the retail sale of farm produce shall be permitted in the required front yard and required exterior side yard <i>Type 3 (greater than 120m²) All yards</i>	with minimal visual impacts on neighbouring properties or the street can be permitted in all yards.
Section 3.1 Accessory Buildings or Structures and Accessory Uses Table 1-1 Regulations	Minimum setback to <i>front lot line</i>	<i>Type 3 (greater than 120m²)</i> 30 metres	Staff recognize that for the larger agricultural parcels, the placement of accessory buildings and structures should not be any closer than 30 metres to the front lot line to minimize potential visual impacts from the street.
Section 3.2.1 Accessory Dwelling Units	The following regulations apply to accessory dwelling units (a) Accessory dwelling units shall be located within: i. The principle dwelling or one detached accessory residential dwelling where on full municipal services and water services; or, ii. Within a main building containing an existing principal use, or within a residential accessory building, on a lot where both the principal use and an accessory dwelling unit are permitted by the applicable zone above the ground floor and remain a	Revise the clause on the maximum area of the accessory dwelling unit not to exceed 100 square metres, which includes a basement, private garage and enclosures but excludes covered decks/patios. Revise the clause to permit ground floor accessory dwelling units within settlement areas.	Staff recommend that the accessory dwelling units (ADUs) are made to be accessible and inclusive units (barrier free/no stairs) and should not be obligated to be on the second floor of detached accessory buildings. Staff recognize that the by-law needs to be consistent with the new Provincial legislation although needs to ensure these units remain secondary to the main/principle dwelling and not impact the primary agricultural use of the property. Additionally, the importance of protecting agricultural areas from residential intensification.

Section/Table #	Regulation	Proposed Changes	Staff Comments
	<p>secondary use to the accessory building. (By-law 2018-61)</p> <p>An area of no greater than 10 square metres on the ground floor is permitted to be used for entrance purposes to the above ground floor accessory dwelling unit. (Bylaw 2020-97)</p>		
Section 3.2.4 Garden Suites	The following regulations apply to garden suites:	Add clause (f) The garden suite shall be a four season or all season type of unit including modular home or mobile home on a secured foundation that is subject to the Ontario Building Code regulations approved by the Chief Building Official.	Staff want to ensure consistency with the type of garden suites being used for temporary dwellings and that they are safe and meet the requirements of the Ontario Building Code and Building Code Act. Staff will prepare a brochure with information on the Townships requirements for Garden Suites that can be distributed for public use.
Section 3.12.6 Off-Street Motor Vehicle Parking Facility Requirements Table 6: Required Parking Facilities	Industrial uses	<p>Include warehouse</p> <p>1 space per 180 m² of gross floor area</p>	Staff recognized that this use was not included as a permitted use and did not have a parking requirement.
Section 3.12.6 (e) (vii) and Section 3.12.7 Private Garages (e)	For the purposes of meeting the parking requirements of this By-law, a private garage shall have a minimum garage width of 3 metres and a minimum depth of 5.5 metres with a maximum of one step having an allowable projection of 0.2 metre into this space.	<p>For consistency apply the wording change:</p> <p>For the purposes of meeting the parking requirements a private garage shall have a minimum garage width of 3.25 metres and a minimum depth of 6 metres.</p>	Recently developers have provided house plans that can accommodate a garage space for parking at 3.25 metres wide and 5.5 metres deep and room for the vehicle to open the doors and storage along the side with mechanical and shop vac systems mounted on the ceilings.

Section/Table #	Regulation	Proposed Changes	Staff Comments
Part 5 – Agricultural Zones Table 12: Regulations for Permitted Uses in Agricultural Zone	Section 5.3 Maximum lot coverage	Include under A Zone: Dwelling – 10% Other buildings or structures –If lot area is 1 ha or less, refer to RuR zone.	Staff noticed that there was no lot coverage for the main dwelling. Staff suggest to defer to the RuR zone for accessory buildings or structures for lands that are 1 ha or less.
Part 6 – Residential Zones Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones	Section 6.3 Maximum lot coverage for RM3 and RM4 40%	Increase maximum lot coverage for RM3 and RM4 to 50% and no lot coverage for back to back townhouses	Staff inadvertently modified the lot coverages for these housing types in Housekeeping By-law no. 7 and the increase in lot coverage will help to maximize the density while balancing building height, parking, amenity and landscape requirements.
Part 6 – Residential Zones Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones	Section 6.3 Maximum building height for RM3 and RM4 – 15 metres RH – 21.5 metres	Add note ⁽⁸⁾ for RM4 and RH zones: ⁽⁸⁾ Back to back townhouse units, stacked townhouse units, and apartment units with ground level parking shall be exempted from the total building height, to a maximum of 3 metres.	Staff recognize parking is essential and to achieve compact built form and higher density residential units that can accommodate private garages or parking spaces at grade/ground level an increase in building height is necessary.
Part 6 – Residential Zones Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones	Section 6.3 Minimum amenity area for 5 – 8 dwelling units on one lot 9 or more units on one lot	RM3 and RM4 amenity area at 40% RH amenity area at 80%	Staff realized that the requirement for additional amenity area creates issues with the available land to accommodate private driveways and front yards with smaller lot frontages and lot sizes. If developments cannot achieve the required amenity areas then justification by the developer is required (e.g., parkland dedication, trails).
Part 7 – Commercial Zone	Section 7.1 Applicable Zones	Add Commercial Mixed (CM) and the permitted uses	Staff realized that a new zone is required to integrate the commercial and residential uses into a compact form and at a higher density threshold.

Section/Table #	Regulation	Proposed Changes	Staff Comments
Part 8 – Employment Zones Table 18: Permitted Uses in Employment Zones	Section 8.2	Add warehouse / warehousing as a permitted use in all zones.	Staff realized that warehousing was not included as a standalone permitted use.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report as this application for Zoning Amendment is being initiated by the Township of West Lincoln.

INTER-DEPARTMENTAL COMMENTS:

Notice of the proposed changes to the Township of West Lincoln Zoning By-law were circulated in the local newspaper, and the notice was posted on the Township website and circulated to agencies and departments on June 20, 2024.

The Township has received no agency or public comments at the time of writing this report. The Township will include any further formal comments from agencies or departments in the final recommendation report.

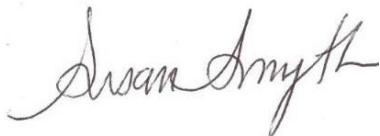
CONCLUSION:

Staff recommend the attached draft by-law be reviewed to give consideration to comments received through the consultation process. Staff will then prepare and present a Recommendation Report to Committee for the Housekeeping round 8 Zoning By-law Amendment as initiated by the Township of West Lincoln at a future meeting.

ATTACHMENTS:

1. Draft Zoning By-law for Public Consideration

Prepared & Submitted by:



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Senior Planner

Reviewed by:



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Approved by:



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