



TOWNSHIP OF WEST LINCOLN

PUBLIC MEETING UNDER THE PLANNING ACT MINUTES

AMENDMENT TO TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW

July 15, 2024, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Mayor Ganann, Chair
Councillor Shelley Bradaric
Councillor Joann Chechalk
Councillor Mike Rehner
Councillor William Reilly
Councillor Jason Trombetta

Staff: Truper McBride, Chief Administrative Officer
Donna DeFilippis, Director of Finance and Treasurer
Mike DiPaola, Director of Public Works and Recreation
Brian Treble, Director of Planning and Building
Dennis Fisher, Fire Chief
Cindy Weir, Library Chief Executive Officer
Gerrit Boerema, Manager of Planning
Katelyn Repovs, Manager of Finance and Deputy Treasurer
Wendy Beaty, Coordinator of Recreation Services
Susan Smyth, Senior Planner
Justin Paylove, Acting Director of Legislative Services and Clerk
Roberta Keith, IT Manager

Attendee: Regional Councillor Albert Witteveen
Frank Bulk
Janna Bulk
Luciano Di Leonardo
Enzo Prato
Sam Sharma
Ralph Severino
John Ganann
Doug Joyner

Township of West Lincoln - Zoning By-Law 2017-70, Housekeeping Amendments No. 8

1. Zoning By-Law Housekeeping Amendments

The Chair advised that this public meeting was being held to consider housekeeping amendments to the Township of West Lincoln's Zoning By-Law under Section 34 of the *Planning Act*.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE AMENDMENTS:

The Township of West Lincoln is undertaking amendments to the Township Zoning By-Law 2017-70, as amended, to address a number of minor updates that should be addressed through an eighth round of housekeeping amendments. 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); Additional changes as shown on the draft By-Law.

2. Purpose of the Public Meeting

The Chair stated that the *Planning Act* requires in Section 34(12) and Section 39 that before passing Zoning By-Law Housekeeping Amendments, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendments.

The Chair further stated that the purpose of this public meeting is to receive comments and answer questions from the public regarding the proposed Zoning By-Law Housekeeping Amendments.

The Chair further stated that no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration.

3. Public Meeting

The Chair stated that the *Planning Act* requires through Section 34(13) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the By-Law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal (OLT).

The Chair inquired to the Director of Legislative Services/Clerk, Justin Paylove, about the methods and dates by which notice of the public meeting was given.

In response to the Chair's inquiry, Director of Legislative Services/Clerk, Justin Paylove, explained that proper notice was given by way of advertising in the local newspaper, mail circulation to all property owners where there are site specific zone changes proposed, and postings on the Township website and in the Township Administration Building on June 20, 2024.

The Chair inquired to the Senior Planner, Susan Smyth, to explain the purpose and reason for the proposed Zoning By-Law Housekeeping Amendments.

In response to the inquiry from the Chair, Senior Planner, Susan Smyth, explained the purpose and reason for the proposed Zoning By-Law Housekeeping Amendments.

Additionally, Senior Planner, Susan Smyth, also indicated that two additional written submissions were made following the publication of the agenda. These submissions have been attached as Schedule "A" and Schedule "B" to these minutes.

The Chair inquired if there were any oral or written submissions from any members of the public present in person or as part of the Zoom meeting that wished to provide comments at this time with respect to the Zoning By-Law Housekeeping Amendments. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as the OLT may not consider comments made during any other Council and/or Committee meetings.

In response to the Chair's inquiry, there were no oral or written submissions from any members of the public present in person or as part of the Zoom meeting that wished to provide comments at this time with respect to the Zoning By-Law Housekeeping Amendments.

The Chair inquired if any Members of the Committee had any oral or written submissions on the Zoning By-Law Housekeeping Amendments. The Chair

advised that this may be the only Public Meeting being held with respect to this application; therefore, he noted that if any Members of the Committee has any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

In response to the Chair's Inquiry, Councillor Chechalk expressed her support for the proposed housekeeping amendments, as well as some additional items for further review and consideration by staff.

Councillor Bradaric supported the comments made by Councillor Chechalk and similarly supported the proposed housekeeping amendments.

Mayor Ganann similarly supported the proposed housekeeping amendments.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Committee meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-Law Housekeeping Amendments and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Clerk, Justin Paylove, at jpaylove@westlincoln.ca.

The Chair further stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Clerk to advise of their request and include their email address along with their mailing address and phone number.

4. Adjournment

The Chair declared the meeting adjourned at the hour of 7:01 p.m.

4961 Canborough Street (Darren Fousert (Agent) Janna and Frank Bulk) -
Temporary Use By-Law

5. Application for Zoning By-Law Amendment

The Chair advised that this public meeting was being held to consider a Temporary Use By-Law under Section 34 of the *Planning Act*.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

An application for a Temporary Use By-Law has been made by Darren Fousert on behalf of Frank and Janna Bulk to add a temporary use to the property legally described as Concession 1, Part Lot 16, RP30R6298 Part 4, formerly in the Township of Caistor now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 4961 Canborough Road.

The Temporary Use application is requesting to temporarily permit a 67 square meter mobile home (garden suite) on the property zoned Rural Residential 'RUR', for a maximum of 20 years to allow family members to reside on the property.

6. Purpose of the Public Meeting

The Chair stated that the *Planning Act* requires in Section 34(12) and Section 39 that before passing a Zoning By-Law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendment.

The Chair further stated that the purpose of this public meeting is to receive comments and answer questions from the public regarding the proposed Zoning By-Law Amendment.

The Chair further stated that no decision has been made on the proposed amendment and any comments received will be taken into account by Council in their consideration.

7. Public Meeting

The Chair stated that the *Planning Act* requires through Section 34 (13) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal (OLT).

The Chair inquired to the Director of Legislative Services/Clerk, Justin Paylove, about the methods and dates by which notice of the public meeting was given.

In response to the Chair's inquiry, Director of Legislative Services/Clerk, Justin Paylove, explained that proper notice was given by way of email circulation to agencies and mail circulation to all residents within 120 metres of the subject property on June 14, 2024. Public notice was also posted to the subject property, the Township website, and the Township Administration Building on June 14, 2024.

The Chair inquired to Manager of Planning, Gerrit Boerema, to explain the purpose and reason for the proposed Zoning By-law Amendment.

In response to the Chair's inquiry, Manager of Planning, Gerrit Boerema, explained the purpose and reason for the proposed Zoning By-Law Amendment.

The Chair inquired if the applicants or their authorized agent were present to speak to the application.

In response to the Chair's inquiry, the applicants were present but chose not to speak to the application.

The Chair inquired if there were any oral or written submissions from any members of the public present in person or as part of the Zoom meeting that wished to provide comments at this time with respect to the Zoning By-Law Amendment. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as the OLT may not consider comments made during any other Council and/or Committee meetings.

In response to the Chair's inquiry, there were no oral or written submissions from any members of the public present in person or as part of the Zoom meeting that

wished to provide comments at this time with respect to the Zoning By-Law Amendment.

The Chair inquired if any Members of the Committee had any oral or written submissions on the Zoning By-Law Amendment. The Chair advised that this may be the only Public Meeting being held with respect to this application; therefore, he noted that if any Members of the Committee has any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

In response to the Chair's inquiry, there were no Members of the Committee that had any oral or written submissions on the Zoning By-Law Amendment.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Committee meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-Law Amendment application and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Clerk, Justin Paylove, at jpaylove@westlincoln.ca.

The Chair further stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Clerk to advise of their request and include their email address along with their mailing address and phone number.

8. Adjournment

The Chair declared the meeting adjourned at the hour of 7:09 p.m.

JUSTIN PAYLOVE, CLERK

MAYOR CHERYL GANANN,
CHAIR

Mayor Gannon and Members of Council

RE: 1601-005-24(ZBA) – Township of West Lincoln Housekeeping Amendments No. 8

Thank you for the opportunity to address the Township's Housekeeping Amendments, this correspondence specifically relates to the proposed adjustments to the regulations for accessory dwelling units (ADUs).

This correspondence relates to subsection 3.2.1 a) ii. (below) paragraph 3 of the draft Zoning By-law Amendment (**bold** text is Township initiated amendment).

3.2.1 Accessory Dwelling Units

The following regulations apply to accessory dwelling units:

- a) *Accessory dwelling units shall be located within:*
- 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. **For accessory dwelling units within a Settlement Area, the accessory dwelling unit may be located on the ground floor. For all other accessory dwelling units, these units shall be located above the ground floor and remain a secondary use to the accessory building.** An area of no greater than 10 square metres of the ground floor he ground floor is permitted to be used for entrance purposes to the above ground floor accessory dwelling unit.*

The concern is that the proposal to allow ADUs on the ground floor of accessory buildings is limited to those located in the urban area only and does not extend to the rural areas.

Background

In November of 2014, Township Planning Staff presented report PD-146-14 (attached) addressing the Provincial 2012 enactment of *Bill 140: Strong Communities through Affordable Housing Act*. The report identified the Act as ... *the foundation for Ontario's long term commitment to affordable housing* and recommended approval of amendments to the Official Plan and Zoning By-law for the accommodation of affordable housing.

The report informed that the Township would benefit from these amendments by,

- *Increasing the stock of affordable rental accommodation in the Township;*
- *Opportunities for homeowners to earn additional income;*

- *Provides more housing opportunities (i.e., elderly parents, or for a live-in caregiver);*
- *Maximizes densities; and*
- *Creates jobs (i.e. construction of second dwelling units).*

Council's adoption of Official Plan Amendment 44, introduced Section 17 Affordable Housing,

17.1.1 General Provisions for Accessory Apartments

- Only one accessory apartment will be permitted per property, either in a dwelling or in an accessory building.*
- The accessory apartment must be subordinate in size to the main dwelling.*
- The lot size and configuration are sufficient in size to accommodate parking and amenity areas and services.*
- Details regarding size and permitted zones will be outlined in the Township's Zoning By-law.*
- Where the main dwelling is serviced by a septic system and private potable water, verification must be provided that the septic system is capable of accommodating an additional dwelling unit and that there is adequate potable water to service both the accessory apartment and the main dwelling unit.*
- The accessory apartment shall not be severed from the property that contains the principal residence.*
- A lot may not have both an accessory apartment and a garden suite.*
- A zoning amendment is required to establish an accessory apartment in a townhouse dwelling.*

17.1.3 Detached Accessory Apartment Units

- Must be secondary and subordinate to the main dwelling on the property.*
- Must be located in the same cluster of buildings as the main dwelling on the property.*
- Must comply with zoning regulations regarding size, setbacks, height, etc.*
- The requirements of the Building and Fire Codes must be satisfied.*

These policies were reflected in the associated Zoning By-law Amendment and were eventually carried through to Comprehensive Zoning By-law 2017-70.

Section 3.2 of the original version of 2017-70 reflected the policies of the Official Plan, providing for the accommodation of accessory dwelling units "within a single detached dwelling, semi-detached dwelling or an accessory building on the same lot as a single detached dwelling or semi-detached dwelling." (subsection 3.2.1 g)ii). Subsequent subsections detailed size and height requirements.

At that time, the location of the accessory dwelling unit was permitted on the ground floor and there were no provisions regulating the location of the accessory dwelling unit

in relation to the main residential use.

Over the following years, a number of amendments added requirements for the accessory dwelling unit regarding:

- septic systems;
- location on the upper floor of an accessory building; and
- proximity to the main residential use.

Comment

In addition to reducing the visual impact of accessory dwelling units, it appears that the various amendments were implemented to avoid efforts/pressure to sever accessory dwelling units.

In review of the various reports it is not clear that the amendments were ever weighed against the original purpose – to accommodate affordable housing.

In particular, the amendment requiring accessory dwelling units to be located on the upper floor of accessory buildings is contrary to the intent of the Official Plan as it challenges the ability of a landowner to meet the Township's stated intent to

- *Increasing the stock of affordable rental accommodation in the Township;*
- *Opportunities for homeowners to earn additional income;*
- *Provides more housing opportunities (i.e., elderly parents, or for a live-in caregiver);*
- *Maximizes densities; and*
- *Creates jobs (i.e. construction of second dwelling units).*

Specific to the requirement for accessory dwelling units on upper floors, the Zoning By-law,

- Ignores opportunities to affordably use existing one-storey structures;
- Requires significant expense by adding a second storey to a one-storey accessory structure;
- Severely restricts opportunity to earn additional income; and
- Eliminates housing opportunities for persons with mobility issues (i.e., elderly parents).

Request

In order to align the Zoning By-law with the Township's Official Plan and the Province's continued directives concerning affordable housing, it is respectfully requested that Council consider expanding permission for accessory dwelling units on the ground floor of all accessory dwelling units.

Please ensure that you provide notification of any additional Staff reports, Council meetings and decisions with respect to this matter.

Sincerely,

Craig Larmour, MCIP, RPP

cc Ryan Van Lochem

DATE: November 3, 2014

REPORT NO: PD-146-14

SUBJECT: **Recommendation Report**
Affordable Housing Official Plan Amendment (OPA #44)
and Corresponding Implementing Zoning By-law
File Nos.: 1701-003-14 and 1601-013-14

CONTACT: Brian Treble, Director of Planning and Building

OVERVIEW:

- On October 6, 2014 the Planning/Building/Environmental Committee (the Committee) considered Recommendation Report PD-111-14 at a second public meeting.
- Concern was raised by Committee and members of the public including Mr. and Mrs. Trotter that the size of the secondary unit and the number of bedrooms should be revisited.
- The report was referred back to Staff for further consideration.
- Staff has inspected the secondary suite policies of other municipalities, outside Niagara Region and has found an alternate approach that Staff is able to support.
- Attached to this report are the Official Plan Amendment policies (OPA #44) which remain unchanged; along with proposed draft zoning regulations which has two main changes from last month:
 - 1) The reference to the number of bedrooms has been removed;
 - 2) The cap on the maximum size has been adjusted to not exceed 40% of the principle residence up to 100 m²
- Along with these changes and a few minor housekeeping changes (shown in bold) Staff recommends approval of both documents.

RECOMMENDATION:

1. That, report PD-146-14, regarding "Affordable Housing Official Plan Amendment (OPA #44) and Corresponding Implementing Zoning By-law", dated November 3, 2014 be received; and,
2. That, no further public meeting is required as per Section 34(17) of the Ontario Planning Act; and,

3. That, Application 1701-003-14 (#44) for Official Plan Amendment, BE APPROVED and that staff circulate Notice of Approval in accordance with the Planning Act; and,
4. That, Application 1601-013-14 for rezoning, BE APPROVED.

ALIGNMENT TO STRATEGIC PLAN

- **Value**
Respect and respond to the diverse generational needs of residents.
- **Objective**
The changing demographics and issues related to poverty in the Township bring with it significantly more demands for accessible, affordable and limited rental housing stock.

BACKGROUND:

In 2011, the Province passed *Bill 140: Strong Communities through Affordable Housing Act*, which is the foundation for Ontario's long term commitment to affordable housing. On January 1, 2012, changes to the *Planning Act* for secondary units and garden suites came into effect to reflect the changes of *Bill 140*. Secondary units — also known as accessory or basement apartments, secondary suites and in-law suites — are self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above a detached garage).

By implementing policies related to secondary units, the Township as a whole will benefit in a number of ways, which include:

- Increasing the stock of affordable rental accommodation in the Township;
- Opportunities for homeowners to earn additional income;
- Provides more housing opportunities (i.e., elderly parents, or for a live-in caregiver);
- Maximizes densities; and
- Creates jobs (i.e., construction of second dwelling units).

The Strong Communities through Affordable Housing Act, 2011 requires municipalities to allow secondary units in all housing types, as well as in accessory buildings. The above noted act amended various sections of the *Planning Act* to provide greater support to municipalities to facilitate the creation of secondary units by:

- Requiring municipalities to establish official plan policies and zoning by-law provisions to allow secondary units in single, semi or town houses, as well as in accessory buildings (e.g. above detached garages), subject to appropriate planning controls;
- Removing the ability of appeals regarding Official Plan policies and Zoning By-law provisions pertaining to secondary units, except where such official plan policies are

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- included in the five year review updates of municipal official plans; and
- Identifying appropriate areas for secondary units, and to establish appropriate minimum standards for secondary units; The Minister of Municipal Affairs has regulation-making authority to prescribe standards for secondary units.

Planning Staff prepared a report, PD-108-13, in October, 2013 (Attachment No.4) requesting permission to begin the process of reviewing secondary unit policies, as well as requesting any feedback from the Planning/Building/Environmental committee regarding these policies. There were no areas of interest that were expressed at that time and Staff took the opportunity to review what other communities in Niagara have implemented through their policies.

Other communities are currently in the same situation, as housing is one of the most fundamental of human needs. It is also a key driver shaping the economic and social sustainability of communities, a vehicle for social inclusion and an important component of growth.

Staff reviewed the provincial policies and recommended a policy change that would permit accessory apartments within single, semi-detached and townhouse dwellings both within Smithville and within the Agricultural and Hamlet areas.

To permit an accessory apartment within a townhouse, staff propose that the applicant will need to go through a rezoning. The policy would also allow accessory apartments in accessory buildings on those properties as well. It is proposed that a limit of one accessory apartment per property be implemented to ensure that parking and servicing issues can be appropriately dealt with on each property.

Planning Staff have taken two technical reports PD-057-14 (June 9, 2014) and PD-092-14 (August 18, 2014), to Planning Committee and Council for review and for an opportunity for Council and the public to comment on these policies.

The first public meeting was held on August 18, 2014 where Township Staff received a comment from the public that expressed support of Affordable Housing. Some questions posed were regarding how accessory apartments (secondary dwelling units) will be taxed, potential for a second driveway, hydro servicing and bigger garbage collection allowances.

Following the first public meeting, Planning Staff have worked closely with Region, NPCA and other Township Departments to answer public comments and work towards finalizing the policy and regulation. It must be noted that these policies are not eligible for appeal to the OMB (but the zoning regulations are subject to appeal) and will be in force and effect on the day Council approves the amendment.

Concerns were expressed at the second public meeting in October that the limitation on the number of bedrooms and the maximum unit size were too restrictive. Staff reviewed the policies of the OPA and the regulations of the proposed zoning by-law and now recommends two minor modifications to the Draft Zoning By-law Amendment as

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found at Attachment No. 2 to this report.

CURRENT SITUATION:

The detailed policy analysis of previous report, PD-111-14, (Attachment No. 3) continues to be relevant and remains unchanged.

Further analysis since the October 6, 2014 Public Meeting has focused on two matters relating to the wording of the Draft Zoning By-law. It is important to keep in mind, that this is meant to be a secondary suite and is therefore secondary or subordinate to the main residence on the property.

Observations from other communities are as follows:

- 1) Burlington permits a secondary suite in the R1, R2 and R3 zones only on full services with a floor area of between 43 m² and 100 m² but not to exceed 40% of the residential dwelling. For a single family detached dwelling only and not permitted in an accessory structure.
- 2) Mississauga permits an accessory dwelling in a principle residence (single, semi, townhouse) with a floor plan area of not less than 35 m² and not more than 50% of the floor area of the dwelling unit within which it is located. Accessory units are not permitted in an accessory structure.
- 3) The Town of Innisfil permitted second units in a single family residence or an accessory building which can be no bigger than 50% of the gross floor area of the house or a maximum of 100 m² and a maximum of 3 bedrooms. There are only permitted on full services and only in certain areas due to servicing constraints.
- 4) City of Guelph permits second units in single detached or semi-detached dwelling with a maximum size of 80 m² or not more than 40% of the principle dwelling floor area with a maximum of 2 bedrooms.
- 5) Town of Bradford West Gwillimbury permits a second unit in single, semi or townhouse dwelling, not within a private garage. Minimum size is 38 m² and maximum is 45% of the gross floor area of the principle building.

Based on the above, Staff has reviewed the proposed Official Plan Amendment and advises that no changes are required. Therefore, Attachment No. 1 is unchanged from the version as attached to PD-111-14.

The zoning by-law (Attachment No. 2) has three changes proposed as follows:

- Eliminate reference to not more than 1 bedroom
- Reference a maximum unit area of not more than 40% of the floor area of the principle dwelling and not to exceed 100 m²
- Minor technical corrections as outlined in bold on Attachment No. 2

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In response to questions posed by Mr. and Mrs. Trotter the following comments are offered:

- a) The accessory dwelling is only permitted within the principle residence or with an accessory residential building above a garage, (as a secondary use of that building). The accessory dwelling is required to be in the same cluster of buildings so as to minimize impact on the neighbouring farm operations with respect to the Minimum Distance Separation formulae.
- b) The requirement to only permit a secondary unit where the existing septic system can accommodate the proposal is intended to ensure that investment in additional infrastructure is minimized
- c) Assessment and taxation will be based on a reassessment by MPAC with the tax bill being issued to the owner of the land.
- d) Electrical arrangements must be addressed directly between the applicant and the electrical authority.
- e) Garbage collection arrangements must be made directly with the Region, but Staff understands that the bag limit will take legal dwelling units into account.

FINANCIAL IMPLICATIONS

Not applicable to this report.

INTER-DEPARTMENTAL COMMENTS

Not applicable to this report.

CONCLUSION

Staff recommends the approval of Official Plan Amendment #44 and the corresponding rezoning as attached to this report.

ATTACHMENTS

1. Official Plan Amendment #44
2. Corresponding Zoning By-law Amendment
3. Previous Report PD-111-14 which includes the policy review

Prepared by:



Brian Treble, RPP, MCIP
Director of Planning and Building

Chris Carter
CAO

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“The Township of West Lincoln will be a community that values our heritage, preserves our environmental and natural resources, fosters entrepreneurial spirit and provides excellent quality of life”

**AMENDMENT NUMBER 44
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
(AFFORDABLE HOUSING)**

AMENDMENT NUMBER 44
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 - THE PREAMBLE

1.1 TITLE

This Amendment when adopted by Council shall be known as Amendment Number 44 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of this Amendment is to add a new Section 17 and renumber the remaining Sections accordingly which will form part of this Official Plan Amendment.

1.4 LOCATION

The textual amendment will apply to the entire Township.

1.5 BASIS OF THE AMENDMENT

The current Accessory Apartment policies in the Township's Official Plan are not detailed enough, nor do they reflect the entire scope of accessory apartments that should be permitted in the Township based on the requirements of Bill 140. This amendment will allow accessory apartments to be located within single, semi-detached and townhouse dwellings, as well as in accessory buildings or stand alone, permanent structures. These units will be permitted in the urban serviced settlement area of Smithville, as well as the hamlet areas and the agricultural areas.

The text of this amendment will add a new Section 17 of the Township of West Lincoln Official Plan (as consolidated) and will renumber the remaining Sections accordingly, as amended by Official Plan Amendment 15.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of explanatory text, constitute Amendment No. 44 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

2.2.1 That a new Section 17 be added and include the following:

17 Affordable Housing

17.1 Alternative forms of Housing

The changing profile of the population of the Township, as well as the need to create more affordable housing requires the Township to provide the opportunity for alternative forms of housing. Pressure to accommodate this demand will be felt within the Township in new and existing neighbourhoods and requires flexible and responsive municipal policies and regulations. Many of these amendments are required in order to implement the Provincial requirements of Bill 140, as follows:

17.1.1 General Provisions for Accessory Apartments

- a) Only one accessory apartment will be permitted per property, either in a dwelling or in an accessory building.
- b) The accessory apartment must be subordinate in size to the main dwelling.
- c) The lot size and configuration are sufficient in size to accommodate parking and amenity areas and services.
- d) Details regarding size and permitted zones will be outlined in the Township's Zoning By-law.
- e) Where the main dwelling is serviced by a septic system and private potable water, verification must be provided that the septic system is capable of accommodating an additional dwelling unit and that there is adequate potable water to service both the accessory apartment and the main dwelling unit.
- f) The accessory apartment shall not be severed from the property that contains the principal residence.
- g) A lot may not have both an accessory apartment and a garden suite.
- h) A zoning amendment is required to establish an accessory apartment in a townhouse dwelling.

17.1.2 Accessory Apartments in Dwellings

- a) Are permitted in all single, and semi-detached dwellings in the Township. A zoning amendment is required to establish an accessory apartment in a townhouse dwelling.
- b) Must be directly attached to, or contained within, the main dwelling.
- c) Must have a similar architecture and style to the main dwelling.

- d) Must comply will all zoning by-law regulations in terms of size, setbacks, height, etc.
- e) The building age and condition are capable of supporting the intensified use and the requirements of the Building and Fire Codes must be satisfied.

17.1.3 Detached Accessory Apartment Units

- a) Must be secondary and subordinate to the main dwelling on the property.
- b) Must be located in the same cluster of buildings as the main dwelling on the property.
- c) Must comply with zoning regulations regarding size, setbacks, height, etc.
- d) The requirements of the Building and Fire Codes must be satisfied.

2.2.2 That the current Section 17 and all following sections of the Consolidated Township of West Lincoln Official Plan be renumbered accordingly.

2.3 IMPLEMENTATION

A Zoning By-law Amendment has been completed. The zoning deals with the maximum size of the apartment, parking requirements, servicing and which zones accessory apartments are permitted in.

**AMENDMENT NUMBER 44
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN**

Official Plan Amendment Number 44 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2014-___ in accordance with the provisions of Sections 17(22) of The Planning Act, R.S.O. 1990, and amendments made thereto, on DATE, 2014.

Carolyn Langley, Clerk

Mayor Douglas Joyner

I, Carolyn Langley, the Clerk of the Corporation of the Township of West Lincoln, hereby certify that the requirements for the giving of Notice, and the holding of at least one Public Meeting as set out in Section 17(22) of the Planning Act, R.S.O. 1990 have been complied with for Official Plan Amendment Number 44.

Carolyn Langley, Clerk

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2014-

A BY-LAW TO AMEND ZONING BY-LAW NO. 79-14, 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;

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

1. THAT Section 7 of Zoning By-law 79-14, as amended, is hereby modified by **deleting 7.34 and replacing with the following:**

7.34 "Accessory Apartments"

Any single detached dwelling or semi-detached dwelling located in any "Residential (R1, R2, R3 and RuR)", "Restricted Agricultural (A1)" and "Agricultural (A2)" zones may be internally converted or maybe connected by way of an addition to the existing building to provide one additional **secondary** dwelling unit, subject to the following requirements:

- a) Only one accessory apartment per lot is permitted either within the main building or one accessory building on the same property.
- b) When an accessory apartment is situated within an accessory building such accessory apartment should be accessory to the main use of the accessory building and be situated above the primary use of the building.
- c) Where the parcel proposed for an accessory apartment is not serviced by a municipal sewer system and/or municipal water distribution system, the minimum lot size of the parcel shall be not less than 0.4 ha and that the private septic system for the property shall be capable of supporting the intensified use in accordance with the Ontario Building Code. In all cases, such accessory apartments located within the Urban area of Smithville shall have full water and sewer services. If service limitations exist, then the accessory apartment is not permitted.
- d) **Floor area of accessory dwelling unit:**
 - **Minimum 40m²**
 - **Maximum 100m²**

Floor area of the accessory dwelling unit shall not be in excess of 40% of the total floor area of the residential building, and shall not exceed 100 m².
- e) One additional parking space for the accessory apartment shall be provided on site, and **only one residential driveway is permitted per property.**
- f) The external appearance and character of the subject building is to be preserved. Additions shall be architecturally similar to the existing building **or the main building** whenever possible.
- g) An accessory apartment will not be permitted in the cellar area of a single detached dwelling, or accessory building.
- h) Any accessory apartment located in the basement area of a single detached dwelling is required to have window openings to each bedroom and the living area of the accessory apartment **that meet** the minimum requirements of the Ontario Building Code.
- i) The accessory building used for accessory residential purposes shall be located within the cluster of buildings on the property and shall not be severed for separate residential purposes.
- j) Existing illegal Accessory Apartments will continue to be recognized as illegal until compliance with these provisions is achieved.

2. THAT Section 7.7A of the Zoning By-law 79-14, as amended, is hereby modified by **deleting Section 7.7A.1 and replacing with the following:**

7.7A.1 "Accessory Building and Structures in a Residential, Development or Trailer Park Zone

- a) No accessory building or structure shall be used for any occupation for gain or profit conducted within or accessory to a dwelling unit or on the lot, except as specifically permitted in this By-Law.
- b) No accessory building or structure, or part thereof, shall be used for human habitation, except as specifically permitted in **this subsection.**
- c) Any accessory building or structure, or part thereof, may be allowed for human habitation within a residential zone in accordance with Section 7.34.
- d) Accessory buildings and structures shall be erected only in an interior side yard or rear yard.
- e) Setbacks for accessory buildings and structures:

- i. 1.5 m from any wall of the main building excluding attached decks and porches;
 - ii. 1.2 m from the rear lot line;
 - iii. 1.2 m from the interior side lot line; and
 - iv. 3 m, plus any applicable distance specified in Schedule "B", from a lot line abutting a street;
 - v. 0m for decks or porches on the common lot line of the common wall of multiple attached residential units in the rear yard.
- f) The maximum height for an accessory building or structure shall be 5 m **except that the maximum height for an accessory building or structure that includes an accessory apartment shall not exceed 8 m within a residential zone.**
 - g) The maximum lot coverage for all accessory buildings and structures on a lot shall be eight (8) percent, however, under no circumstance shall the lot coverage exceed the maximum lot coverage for all buildings and structures provided in the respective zone.
 - h) The regulations governing the location of any accessory building or structure in relation to a lot line shall not apply to prevent the erection or use of a jointly-owned double garage which services two dwellings whose common lot line shall be the dividing line of such garage.
 - i) No accessory building or structure shall be erected prior to the erection of the permitted dwelling on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such dwelling, a building permit has been issued for said dwelling and said building permit remains active. No accessory building shall be used prior to the erection of such dwelling for any purpose other than accessory residential storage.
 - j) **All provisions of 7.34 also apply.**
3. THAT Section 7.7A of the Zoning By-law 79-14, as amended, is hereby amended by adding the following new section:

7.7A.4 "Accessory Building and Structures in an Agricultural Zone"

- a) No accessory building or structure shall be used for any occupation for gain or profit conducted within or accessory to a dwelling unit, or on the lot, except as specifically permitted in this By-Law.
 - b) Minimum Distance Separation (MDS) will apply to new accessory apartments being built in the "Restricted Agricultural (A1)" and "Agricultural (A2)" zones.
 - c) The accessory building or structure shall only be permitted as an accessory use to the residential use of the property not the agricultural use.
 - d) The accessory building which includes the accessory apartment shall be located behind the front wall of the main dwelling.
 - e) Setbacks for accessory building and structures which include an accessory apartment:
 - i. 1.5 m from any wall of the residential dwelling excluding attached decks and porches to ensure accessory building and structures are located within the same cluster of buildings as the main dwelling on the property;
 - ii. 15 m from the rear lot line; and
 - iii. 5 metres from the interior side lot line.
 - f) The accessory **dwelling** located in an accessory building or structure, shall **comply with the floor area requirements as outlined in Section 7.34.**
 - g) The maximum height for an accessory **residential** building or structure shall not exceed 8 m.
 - h) The private sewage **system** for the property shall be capable of supporting the intensified use in accordance with the Ontario Building Code.
 - i) **All provisions of 7.34 also apply.**
4. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
14th DAY OF OCTOBER, 2014.**

MAYOR DOUGLAS JOYNER

CAROLYN LANGLEY, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2014-

This By-law involves is a general amendment to the Township of West Lincoln Zoning By-law 79-14.

This amendment will allow accessory apartments to be located in both single detached, semi-detached dwellings and Accessory Buildings within the Residential R1, R2, R3 and RuR zones, in addition to the Agricultural A1 and A2 Zones. Accessory apartments in a townhouse will only be permitted through a zoning by-law amendment.

File: 1601-013-14
Applicants: Township of West Lincoln

DATE: October 6, 2014

REPORT NO: PD-111-14

SUBJECT: **Recommendation Report**
Affordable Housing Official Plan Policies (Official Plan Amendment No. 44) and Corresponding Zoning By-law Amendment
Files: 1701-003-14 and 1601-013-14

CONTACT: Tara Lynn O'Toole, Planner II
Brian Treble, Director of Planning and Building

OVERVIEW:

- Planning Staff have prepared an Official Plan Amendment (Attachment No.1) and Zoning By-law Amendment regarding Affordable Housing policies.
- These policies are to allow accessory apartments in both single, semi-detached and townhouse dwellings, as well as permitting accessory apartments in appropriate accessory buildings. To allow for an accessory apartment in a townhouse, a rezoning will be required.
- The associated Zoning By-law regulation (Attachment No.2) will implement the policy amendment.
- Planning staff have taken two technical reports with draft policy and regulations to Planning Committee and Council (June 9 and August 18, 2014) for review and for an opportunity for Council and the public to comment on these policies.
- The first public meeting was held on August 18, 2014 where Township Staff received a comment from the public that expressed support of Affordable Housing. Some questions posed were regarding how accessory apartments (secondary dwelling units) will be taxed, potential for a second driveway, hydro servicing and bigger garbage collection allowances.
- Township staff have worked closely through this process with the Region, NPCA and other Township departments to answer public comments and finalize the policy and regulation.
- It must be noted that these policies are not eligible for appeal to the OMB and will be in force and effect on the day Council approves the amendment.
- Township Staff are now recommending approval of the Official Plan Amendment and Zoning By-law Amendment.

RECOMMENDATION:

1. That, report PD-111-14, regarding Affordable Housing Official Plan Policies (Official Plan Amendment No. 44) and Corresponding Zoning By-Law Amendment, dated October 6, 2014, BE RECEIVED; and,
2. That, no further public meeting is required as per Section 34(17) of the Ontario Planning Act;
3. That, Application 1701-003-14 (#44) for Official Plan Amendment, BE APPROVED and

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that staff circulate Notice of Approval in accordance with the Planning Act; and

4. That, Application 1601-013-14 for rezoning, BE APPROVED.

ALIGNMENT TO STRATEGIC PLAN

- **Value**
Respect and respond to the diverse generational needs of residents.
- **Objective**
The changing demographics and issues related to poverty in the Township bring with it significantly more demands for accessible, affordable and limited rental housing stock.

BACKGROUND:

In 2011, the Province passed *Bill 140: Strong Communities through Affordable Housing Act*, which is the foundation for Ontario's long term commitment to affordable housing. On January 1, 2012, changes to the *Planning Act* for secondary units and garden suites came into effect to reflect the changes of *Bill 140*. Secondary units — also known as accessory or basement apartments, secondary suites and in-law suites — are self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above a detached garage).

By implementing policies related to secondary units, the Township as a whole will benefit in a number of ways, which include:

- Increasing the stock of affordable rental accommodation in the Township;
- Opportunities for homeowners to earn additional income;
- Provides more housing opportunities (i.e., elderly parents, or for a live-in caregiver);
- Maximizes densities; and
- Creates jobs (i.e., construction of second dwelling units).

The Strong Communities through Affordable Housing Act, 2011 requires municipalities to consider allowing secondary units in all housing types, as well as in accessory buildings. The above noted act amended various sections of the *Planning Act* to provide greater support to municipalities to facilitate the creation of secondary units by:

- Requiring municipalities to establish official plan policies and zoning by-law provisions to allow secondary units in single, semi or town houses, as well as in accessory buildings (e.g. above detached garages), subject to appropriate planning controls;
- Removing the ability of appeals regarding Official Plan policies and Zoning By-law provisions pertaining to secondary units, except where such official plan policies are included in the five year review updates of municipal official plans; and
- Identifying appropriate areas for secondary units, and to establish appropriate minimum standards for secondary units; The Minister of Municipal Affairs has regulation-making authority to prescribe standards for secondary units.

More recently, *Bill 3* was introduced to the Legislature on July 7, 2014. *Bill 3* proposes to amend the *Planning Act* with respect to inclusionary housing (affordable housing).

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Changes to the *Planning Act* being proposed through *Bill 3* are as follows:

- Definition of “Affordable”, as related to housing;
- Municipalities may require, through their comprehensive zoning by-law, that a specified percentage of housing units in all new developments contain 20 or more housing units be affordable;
- Municipalities are permitted to determine an acceptable percentage of affordable housing units to be provide in a new development;
- The inclusionary housing zoning by-law applies to all new developments, regardless of whether the new housing development requires amendments to an existing by-law or not;
- Municipalities can enter into agreements with the developer dealing with affordable housing requirements, such as restricting ownership and occupancy of the affordable units to eligible persons;
- Municipalities are not required to provide financial assistance or other incentives to developers where an inclusionary housing by-law exists; and
- Municipalities must have Official Plan policies in place that contain provisions for inclusionary housing before it is introduced in the zoning by-law.

If the Bill is approved by Queen’s Park, these proposed changes will need to be implemented at the local level through Municipal Official Plans and zoning by-laws. Staff will continue to monitor this private members bill. The Regional Staff report on *Bill 3* is attached as Attachment No.3 to this report.

Planning Staff prepared a report PD-108-13 in October, 2013 (Attachment No.4) requesting permission to begin the process of reviewing secondary unit policies, as well as requesting any feedback from the Planning/Building/Environmental committee regarding these policies. There were no areas of interest that were expressed at that time and Staff took the opportunity to review what other communities have implemented through their policies.

Other communities are currently in the same situation as housing is one of the most fundamental of human needs. It is also a key driver shaping the economic and social sustainability of communities, a vehicle for social inclusion and an important component of growth.

Staff reviewed the provincial policies and recommended a policy change that would permit accessory apartments within single, semi-detached and townhouse dwellings both within Smithville and within the Agricultural and Hamlet areas.

To permit an accessory apartment within a townhouse, staff propose that the applicant will need to go through a rezoning. The policy would also allow accessory apartments in accessory buildings on those properties as well. It is proposed that a limit of one accessory apartment per property be implemented to ensure that parking and servicing issues can be appropriately dealt with on each property.

Planning Staff have taken two technical reports PD-057-14 (June 9, 2014) and PD-092-14 (August 18, 2014), both attached to this report as Attachment No.5 and No.6, to Planning

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Committee and Council for review and for an opportunity for Council and the public to comment on these policies.

The first public meeting was held on August 18, 2014 where Township Staff received a comment from the public that expressed support of Affordable Housing. Some questions posed were regarding how accessory apartments (secondary dwelling units) will be taxed, potential for a second driveway, hydro servicing and bigger garbage collection allowances.

Since the first public meeting, Planning Staff have worked closely with Region, NPCA and other Township Departments to answer public comments and work towards finalizing the policy and regulation. It must be noted that these policies are not eligible for appeal to the OMB and will be in force and effect on the day Council approves the amendment.

CURRENT SITUATION:

Township Planning Staff have reviewed policies implemented throughout the Region and the province, as well as the policies and directions of Bill 140. Staff feel that it is appropriate to implement the policies that will permit accessory apartments in both single, semi-detached and townhouse dwellings, as well as allowing accessory apartments as permanent, stand-alone structures. Staff will permit an accessory apartment in a townhouse only if a rezoning is completed and approved by Planning Committee and Council.

The OPA provides details regarding the requirements in respect to size and setbacks as the more detailed regulations are included in the Zoning By-law. The policies provide general direction that accessory apartments will be permitted in single, semi-detached and townhouse dwellings, but leave the details of which zones to the By-law. As stated previously, to permit an accessory apartment in a townhouse dwelling a rezoning will need to be completed, that will require approval from Planning Committee and Council.

The policies regarding accessory apartments in accessory buildings does not reference any specific type of property where the units will be permitted, however, it is the opinion of Staff that they should be permitted in the Residential R1, R2, R3 and RuR zones, in addition to the Agricultural A1 and A2 zones. The By-law regulations specify the maximum size for these units.

The Zoning By-law regulations implement the Official Plan policies as directed through the Province's mandate of the *Strong Communities through Affordable Housing Act*. The Province requires second dwelling units being permitted in one family detached, semi-detached and townhouse dwellings as well as accessory buildings to the aforementioned dwellings.

In order to qualify for an accessory apartment (second dwelling unit), a dwelling would have to comply with the regulations (setbacks, lot coverage, minimum lot area, minimum lot frontages, parking and servicing, etc.) of the zone where the additional unit is proposed. The existing zone regulations provide an appropriate development standard for dwellings containing an accessory apartment. Where an accessory dwelling is permitted but does not meet one or more of the zone regulations, a Minor Variance or rezoning would be required in order to allow an accessory apartment to be created. Also as stated previously,

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to permit an accessory apartment in a townhouse dwelling a rezoning will need to be completed, that will require approval from Planning Committee and Council.

FINANCIAL IMPLICATIONS

N/A

INTER-DEPARTMENTAL COMMENTS

Planning staff have worked closely with Regional Planning to ensure that the policy and regulation comply with the Planning Act, Regional Official Plan, Provincial Policy Statement (PPS), Places to Grow (P2G) and *Bill 140*. The Region informed the Township that with respect to dwelling type, the *Planning Act* requires that municipalities authorize accessory apartments in each housing type such as single detached, semi-detached and townhouse dwellings.

The Township's draft OPA originally only permitted accessory apartments in single and semi-detached dwellings. To comply with the *Planning Act* the final OPA now includes a provision that allows for accessory apartments to be permitted in a townhouse dwelling through the requirement of completing a rezoning that requires approval of both Planning Committee and Council. Now that this provision has been added into the OPA, the Region has advised that the Township is in compliance with both the *Planning Act* and the *Regional Official Plan*, therefore this OPA is exempt from Regional approval. See Attachment No.7 for Regional Compliance Letter.

The NPCA has no objections to the proposed Official Plan Amendment. Any proposal for accessory apartments may need to be reviewed by the Authority in accordance with the Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06) prior to the issuance of a building permit from the Township.

Township Building Department has provided comment that they have no objection to the rezoning for Accessory Units but that all owners must obtain a building permit for the conversion to a multi-residential building or the conversion of an accessory building to a residential occupancy.

PUBLIC COMMENTS

Township Staff received public comment prior to the first public meeting in August 2014 (Attachment No.8), which posed a few questions regarding how accessory apartments (secondary dwelling units) will be taxed, potential for a second driveway, hydro servicing and bigger garbage collection allowances. Staff have also received a letter dated September 6, 2014 (Attachment No.8) with questions regarding accessory apartments being located in the agricultural area. Township staff reviewed these questions with the Region and the appropriate Township Departments, the following responses were received:

- Accessory Apartment Taxes – If the addition of the accessory apartment to the

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property increases the value of the property, as per an MPAC assessment, then the taxes on the property will increase with the value.

- Second driveway – A second driveway may be permitted if the proper approvals are obtained. If the property is located on a municipal road than an entrance permit is required from the Township Public Works Department. If the property is located on a Regional road than an entrance permit from the Region is required. Prior to obtaining an entrance permit, approval will be required from the Township Planning Department.
- Garbage collection allowances – Once an occupancy permit has been submitted to MPAC and the Region is notified, then the collection of more bags will not be an issue. If the bags are not picked up, it will be the responsibility of the owner to contact the Region and notify them that they have a second unit on the property and that it is legal and they have received occupancy so the garbage can be collected.
- Hydro Servicing – This type of servicing will be the responsibility of the owner.
- Septic System Upgrades - The private sewage septic for the property must be capable of supporting the intensified use in accordance with the *Ontario Building Code*.
- Location of Accessory Building on property – The accessory building that will house the accessory apartment must be in the same cluster of buildings to ensure that it can be serviced by the existing services and that it is not turned into a separate residence on the property as two dwellings are not permitted on a property and to avoid pressures for consent.

CONCLUSION

Township Staff feel that the attached Official Plan Amendment and Rezoning are appropriate and meet the intent of all applicable policies. Therefore, staff recommends approval of the OPA and Zoning By-law Amendment based on the fact that these applications represent good planning and ensure that the Township is in compliance with the *Planning Act*.

ATTACHMENTS

1. Official Plan Amendment
2. Zoning By-law
3. Regional Staff Report – Bill 3
4. PD-108-13
5. PD-057-14
6. PD-092-14
7. Regional Compliance Letter
8. Public Comments

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Prepared by:

Tara Lynn O'Toole
Planner II

Brian Treble, RPP, MCIP
Director of Planning and Building

Chris Carter
CAO

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July 8, 2024

Brian Treble
Director of Planning and Building
Township of West Lincoln
btreble@westlincoln.ca

**RE: Zoning By-law Housekeeping Amendment No. 8
File No. 1601-007-23**

Dear Mr. Treble

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

We understand that a Public Meeting is scheduled for July 15, 2024 regarding File No. 1601-005-24, a proposed Housekeeping Amendment to Comprehensive Zoning By-law 2017-70. We are pleased to provide this comment letter for Council and Staff review. Our comments revolve around the proposed changes/additions to the minimum amenity area regulations within the Regulations for Medium and High Density Residential Zones.

Minimum Amenity Area Calculation

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

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

The RM2, RM3, RM4 zones are proposed to require a minimum 40 m² of amenity area per dwelling unit for dwellings with 5 or more dwelling units on one lot, and 80 m² is required for dwellings with 9 or more dwelling units on one lot within the RH zone.

We believe that a minimum of 40 square metres is not consistent with current planning trends. In 2022, GSP Group conducted a zoning review of the Township's regulations for medium and high density residential zones – their review and recommendations were attached to Report No. PD-54-2023 regarding Housekeeping Amendment No. 7.

GSP recommended a “base” amenity area requirement of 40 square metres (total) for a street townhouse dwelling, a townhouse dwelling, a stacked townhouse dwelling, a

back to back townhouse dwelling, and an apartment dwelling. In addition to this “base” requirement for a dwelling, GSP also recommended additional amenity area requirements *per dwelling unit* (i.e., 10 square meters for street townhouse dwelling units and townhouse dwelling units; 15 square metres for stacked townhouse dwelling units, back to back townhouse dwelling units, and apartment dwelling units).

An important distinction is that the Township’s Zoning By-law defines “dwelling” as “a building containing dwelling units”. GSP recommended the base 40 square metre requirement for the dwelling (i.e., the entire building), with the additional requirements *per dwelling unit*. The Township’s draft Housekeeping Amendment No. 8 appears to apply the 40 square metre requirement on a *per unit* basis instead of the building as a whole. This will result in an unachievable minimum amenity area requirement.

We recommend following the GSP calculation of a 40 square metre “base” requirement for the building, plus the additional requirement on a *per dwelling unit* basis.

Additionally, when comparing to other area municipalities with minimum amenity area requirements, requirements are much lower than 40 square metres per dwelling unit (see below):

City of Niagara Falls (updated 2022):	20 m ² per dwelling unit
Town of Lincoln (2022):	10 m ² per dwelling unit
Haldimand County (2020):	20 m ² per dwelling unit

We request the Township revise the amenity area requirements to be consistent with the recommendation of GSP Group in 2022, which we believe are appropriate.

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

Sincerely,



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