

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.

From: [Aaron Butler](#)
To: [Brian Treble](#)
Cc: [Susan Smyth](#); [Gerrit Boerema](#); [Max Fedchyshak](#); [Jon Whyte](#); [Jowett Lau](#)
Subject: Re: Draft House Keeping By-law No. 8 - Notice of Public Meeting
Date: July 23, 2024 2:49:06 PM
Attachments: [image19ef54.PNG](#)
[image85e125.PNG](#)
[image3190b1.PNG](#)
[image9ffda2.PNG](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[By-law 2023 - 79 Housekeeping 7\[192\].pdf](#)

Hi Brian,

Thanks for the response.

Here's what was passed through Housekeeping Amendment 7:

Regulation					Zone Requirements	
		RM1	RM2	RM3	RM4	RH
Minimum amenity area ⁽⁵⁾⁽⁶⁾	Dwelling with 3 or 4 dwelling units on one lot	-	20m ² per dwelling unit			
	Dwelling with 5 to 8 dwelling units on one lot		40m ² plus 10m ² per dwelling unit			
	Dwelling with 9 or more dwelling units on one lot		40m ² plus 5m ² per dwelling unit	40m ² plus 10m ² per dwelling unit	80m ² plus 10m ² per dwelling unit	

Here is what your current draft Housekeeping Amendment 8 is proposing:

Minimum amenity area ⁽⁵⁾⁽⁶⁾	Dwelling with 3 or 4 dwelling units on one lot	-	20m ² per dwelling unit			
	Dwelling with 5 to 8 dwelling units on one lot		40m² plus per dwelling unit			
	Dwelling with 9 or more dwelling units on one lot		40m² per dwelling unit		80m² per dwelling unit	

The draft has eliminated the approach from the GSP Memo and the current Township By-law, which is to have a “base” requirement for the *dwelling* and an additional requirement per *dwelling unit*. This does not work as the requirement is simply too high. We have no issue with how the By-law is currently worded subject to a correct interpretation.

One simple fix, to avoid any misinterpretation is to add the words “per dwelling” into the requirement under the current By-law wording. For example, the requirement for dwellings with 9 or more dwellings on one lot, in the RM2 and RM3 Zones, would read (red added):

40m² **per dwelling** plus 5m² per *dwelling unit*. This is in line with how the by-law is intended to be interpreted, in my opinion. And is in line with the GSP Memo.

Please let me know if you have any questions.

Aaron

Aaron Butler, MCIP, RPP
 Principal Planner, Niagara
 M 905 246 1576 E abutler@npgsolutions.ca

To our valued clients and industry partners:

Offices: We are working in a hybrid office format at full capacity in our Niagara Falls, Hamilton and Toronto offices.

Contacting us: Our landline - 905 321-6743, is available and all NPG team members are available via our individual cell phones. If you are having trouble reaching us, please email Dianne Rintjema @ drintjema@npgsolutions.ca. *Thank you for working with NPG.*

Summer Office Hours:

Our offices hours are revised for the summer season: From June through to the end of September all NPG office locations will close at noon on Fridays. Thank you.

From: Brian Treble <btreble@westlincoln.ca>

Date: Monday, July 22, 2024 at 8:01 AM

To: Aaron Butler <abutler@npgsolutions.ca>

Cc: Susan Smyth <ssmyth@westlincoln.ca>, Gerrit Boerema <gboerema@westlincoln.ca>, Max Fedchyshak <mfedchyshak@npgsolutions.ca>, Jon Whyte <jwhyte@phelpshomes.com>, Jowett Lau <JLau@phelpshomes.com>

Subject: Re: Draft House Keeping By-law No. 8 - Notice of Public Meeting

Aaron:

I have read your letter a couple of times. I have the gist of your concern as it relates to amenity area, but I'm not clear on exactly what your ask is. I get your distinction between dwelling and dwelling unit criteria. From your experience, what is the preferred method by which to calculate such a requirement?

Brian.

Sent from my iPhone

On Jul 11, 2024, at 8:42 AM, Aaron Butler <abutler@npgsolutions.ca> wrote:

Good morning Susan,

Thank you for including us on this circulation. Please see our comment letter attached regarding the proposed Amendment. If you have any questions about our comments we'd be happy to discuss with you.

Aaron

Aaron Butler, MCIP, RPP

Principal Planner, Niagara

M 905 246 1576 **E** abutler@npgsolutions.ca

<image001.png>

To our valued clients and industry partners:

Offices: We are working in a hybrid office format at full capacity in our Niagara Falls, Hamilton and Toronto offices.

Contacting us: Our landline - 905 321-6743, is available and all NPG team members are available via our individual cell phones. If you are having trouble reaching us, please email Dianne Rintjema @ drintjema@npgsolutions.ca. *Thank you for working with NPG.*

Summer Office Hours:

Our offices hours are revised for the summer season: From June through to the end of September all NPG office locations will close at noon on Fridays. Thank you.

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

Ms. Susan Smyth
Senior Planner
Township of West Lincoln
318 Canborough Street.
PO Box 400
Smithville, ON L0R 2A0

Arcadis Professional Services
(Canada) Inc.
360 James Street North
Suite 200
Hamilton, Ontario L8L 1H5
Canada
Phone: 905 546 1010
www.arcadis.com

Date: July 18, 2024

Subject: **REVIEW OF TECHNICAL REPORT – COMPREHENSIVE ZONING
BY-LAW 2017-70 HOUSEKEEPING AMENDMENT No. 8 (FILE No. 005-24)**

Dear Ms. Smyth,

Arcadis Professional Services (Canada) Inc. represent landowners and their developments in the Township of West Lincoln. We have had an opportunity to review the Township’s proposed Zoning By-law Housekeeping Amendment and we are in support of the proposed key elements but would like to provide some comments and suggestions for your consideration prior to the final technical recommendation report to Council.

THAT, Part 3 “General Provisions” and Section 3.12.7 Private Garages of Zoning Bylaw 2017-70 as amended, is hereby amended and modify the following regulation:

The following regulations apply to private garages:

- e) *For the purposes of meeting the parking requirements of this By-law, a private garage shall have a minimum width of **3.5 metres for single detached, semidetached dwelling units and for townhouse dwelling units a minimum width of 3.25 metres wide by 6 metres long (measured from interior walls) unobstructed.***

We support that the Township is considering a reduction to the minimum width of a private garage; however, the proposed minimum width remains wider than the required minimum garage size in other local area Municipalities. Many developers use the same architectural plans between different projects and in different municipalities, and consistent design helps keep housing more affordable. Along with the reduction to the garage size, the Township could consider including encroachment permissions. For example, the City of Stoney Creek Zoning By-law requires a private garage to be a minimum of 3 metres width by 6 metres length, but also permits encroachments of up to 0.3 metres for steps, hose bibs, electrical devices, and ductwork.

By-law 5068-00	b) For other than 90° perpendicular parking spaces and for parking spaces within private residential garages designed to accommodate one motor vehicle, the parking space shall not be less than 3 metres in width or less than 6 metres in length exclusive of any land used for access, manoeuvring, driveways or a similar purpose. A single step, hose bibs, electrical devices and/or ductwork and closet enclosures may project not more than .3 metres into the required length or width of a parking space.
-----------------------	---

Similarly, the new City of Hamilton Zoning By-law permits the encroachment of an open stairway so long as the height does not exceed 0.5m metres.

- iv) The length of each parking space in an attached garage of a dwelling unit shall be increased by an equivalent length of the step, steps or stairwell that extends into the parking space;
(By-law No. 21-189, October 13, 2021)
- v) Notwithstanding Subsection iv), an open stairway may project into the length of the required parking space not more than 0.75 metres provided the height of the stairway does not exceed 0.5 metres;
(By-law No. 21-189, October 13, 2021)

The Town of Grimsby Zoning By-law allows an encroachment of one interior step into the required width and an encroachment of two steps into the depth.

5.14 Garage Parking Size

Each *parking space* within a *garage* shall have a minimum width of 2.9 metres and a minimum depth of 6.0 metres provided, however, that the minimum required width may include one interior step, and the minimum required depth may include two interior steps.

This demonstrates that many area Municipalities require minimum garage parking sizes that are smaller than the proposed reductions, but also allow for encroachments into that minimum size. We would suggest that the staff consider the implementation of further encroachments for stairs, and other similar household appurtenances.

The Housekeeping Amendment also proposes several changes to the performance standards for Residential zones. We have reviewed the draft By-law and support all the proposed changes; however, we would like to suggest one further modification to the Minimum Landscape Open Space requirement.

As currently written, all residential developments are required to provide a Minimum Landscape Open Space of 25% of the lot area, but there is no differentiation between different built forms, or tenures of development. For example, a typical low-density dwelling, such as a single, semi, or street townhouse, would have a private rear yard amenity area that would on average be 7.5 metres deep, and coupled with the front yard landscape area would easily meet the required 25% of the lot area.

However, when designing a back-to-back townhouse development, the individual lots do not contain a rear yard amenity area which makes it impossible to meet the 25% landscape open space requirement without significantly reducing the total building area on the lot or increasing the lot depth and front yard landscaping.

For comparison, we have produced two sample back-to-back townhouse lots, both of which are based on the minimum lot width of 5.5 metres, and the minimum lot area of 75 square metres. The first, **Figure 1** below, looks at the results of following the minimum required building setbacks of 6 metres to a garage, and 4.5 metres to the building. The resulting minimum landscape open space is only 12%. The second, **Figure 2** below, looks at the results of designing to meet the minimum landscape open space. The result is a ground floor building area of only 35.3 square metres, which presents an inefficient building layout.

Finally, we represent a local area developer who have a current development that features back-to-back townhouse dwellings, so we have provided a sample of their back-to-back townhouse design for comparison, shown as **Figure 3** below. The development proposes back-to-back townhouse dwellings that are 6.38 metres wide with a lot area of 85.1 square metres, both of which significantly exceed the By-law minimums. The main building and driveway are both setback further than the minimum requirements, but in this case an unenclosed porch is proposed. The resulting landscape open space is still only 14.6% of the total lot area. Even if the unenclosed porch was removed the proposed design would not meet the minimum landscape open space requirement.

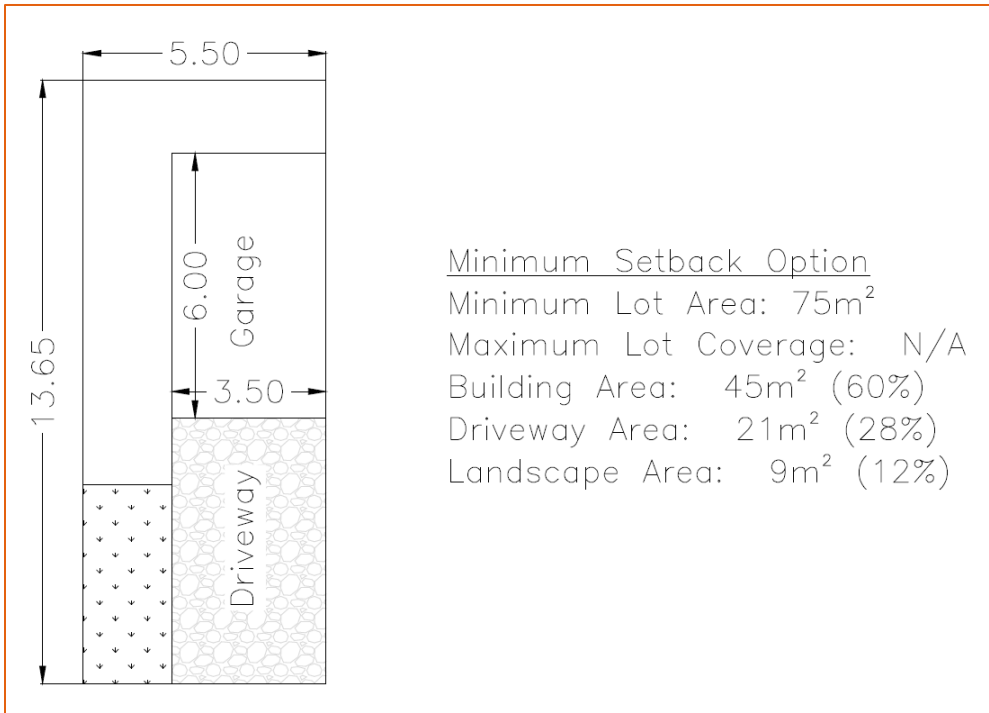


Figure 1 - Minimum Zoning Setbacks

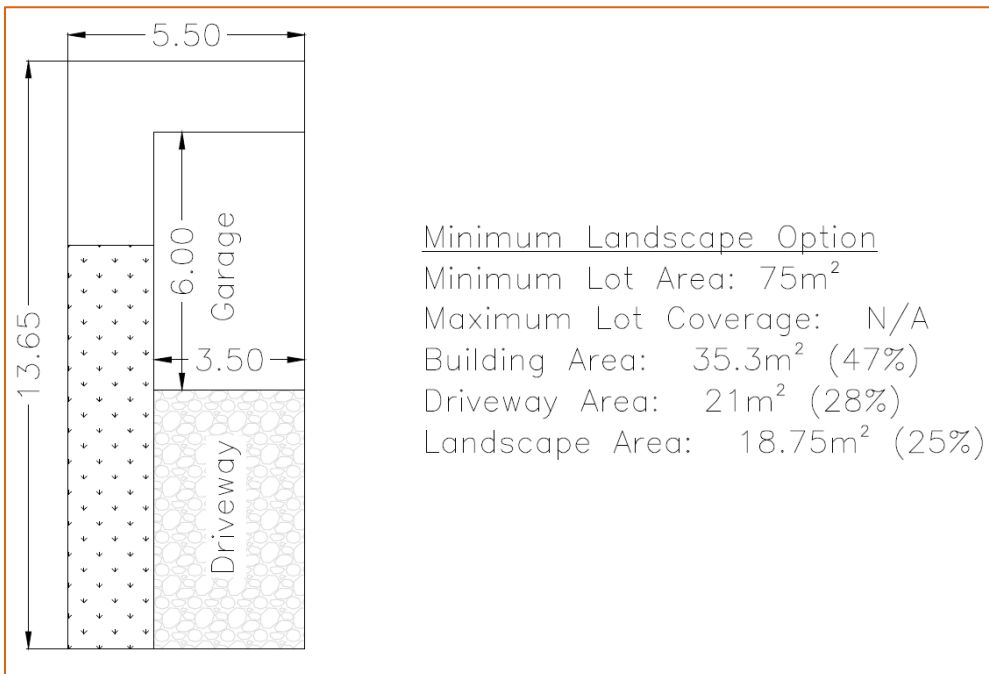


Figure 2 - Minimum Landscape

Ms. Susan Smyth
Township of West Lincoln
July 18, 2024

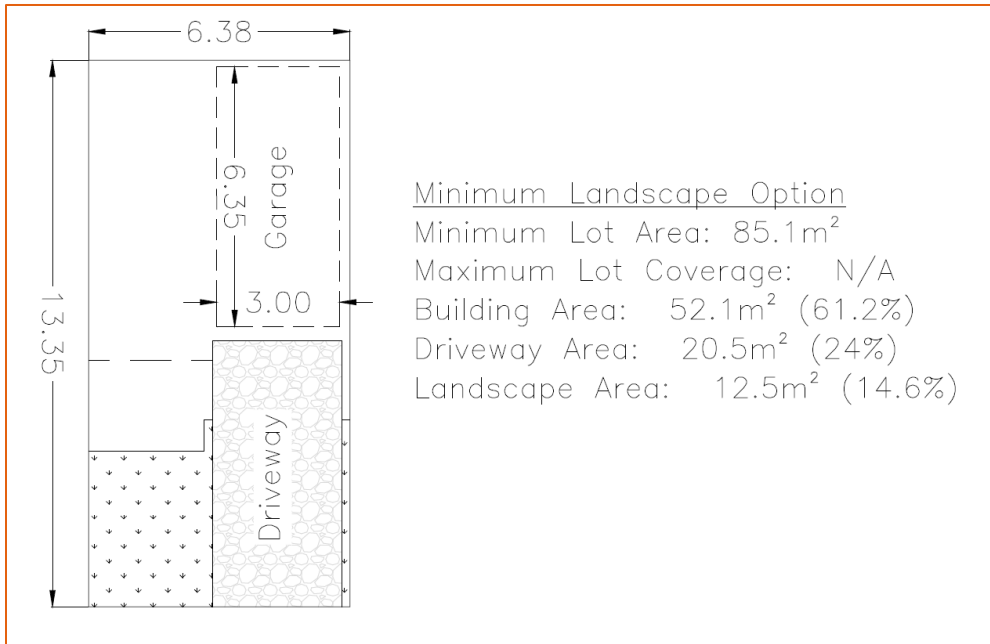


Figure 3 – Actual Development Concept

The implementation of the minimum landscape open space requirement also appears to require consideration; as noted above, the provision as written does not appear to contemplate the tenure of a development. The examples we have provided above look only at individual lots that would be created through a land division process, however it is possible that a back-to-back townhouse development would be purpose-built rental or part of a standard condominium in which case there would likely be provision for broader landscape area within the development.

The individual lot example above forms part of a larger development with an associated common elements condominium that can accommodate the landscape requirement. However, there may be a scenario where a back-to-back townhouse development has frontage on a Municipal road and would not have the associated common areas.

Similarly, the Minimum Amenity Area requirement doesn't appear to differentiate between a back-to-back townhouse development fronting a Municipal road and a condominium or purpose-built rental development.

Sincerely,

Arcadis Professional Services (Canada) Inc.

Jared Marcus, CPT
Associate – Manager, Planning

Susan Smyth

From: Mary Lou Tanner <mtanner@npgsolutions.ca>
Sent: August 14, 2024 6:36 PM
To: Susan Smyth
Cc: Jon Whyte; Jowett Lau; Brian Treble; Justin Paylove; Gerrit Boerema
Subject: Re: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Hi Susan

I think it would be best to have a meeting on this. I believe we need to walk through the Phelps/JTG lands and understand how the definition will be applied to various linkages and buffers. I am away until middle of next week – can we look for something either on the 21st or the week of the 26th please?

Thanks.

Mary Lou

Mary Lou Tanner (she/her), RPP, FCIP
President
M 289-776-8904 E mtanner@npgsolutions.ca



Our offices:

To our valued clients and industry partners: We are now working in a hybrid office format at full capacity at each of our three office locations: Niagara Falls, Hamilton, and Toronto. Our landline (905) 321-6743 is available and all NPG team members are available via our individual cell phones. If you are having trouble reaching us, please email Dianne Rintjema @drintjema@npgsolutions.ca. Thank you for working with NPG.

Summer Office Hours:

Our offices hours are revised for the summer season: From June through to the end of September all NPG office locations will close at noon on Fridays. Thank you.

From: Susan Smyth <ssmyth@westlincoln.ca>
Date: Wednesday, August 14, 2024 at 10:54 AM
To: Mary Lou Tanner <mtanner@npgsolutions.ca>
Cc: Jon Whyte <jwhyte@phelpshomes.com>, Jowett Lau <JLau@phelpshomes.com>, Brian Treble <btreble@westlincoln.ca>, Justin Paylove <jpaylove@westlincoln.ca>, Gerrit Boerema <gboerema@westlincoln.ca>
Subject: RE: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Good Morning Mary Lou,

Thank you for providing these comments and upon staff review of OPA 63 and the current zoning by-law regulations, we found the following policies and regulations around buffer areas and confirm they do permit infrastructure (as per the by-law definitions below) although subject to the Class EA Act or Drainage Act. Our Zoning By-law is already consistent in this regard to OPA 63. This would not apply for a private development including private roads or other private service infrastructure and will be clarified in the definition.

6.11.7.14 Conceptual Buffers (page 78 of OLT Decision OLT 23-000470)

- f) The uses permitted within a Buffer shall be limited to:
 - i. those uses identified as permitted uses in Core Areas in Policy No. 6.11.7.3.5.e); and
 - ii. passive recreation uses, provided that appropriate separation from the feature protected by the Buffer is maintained.
- h) Buffers shall be maintained as self-sustaining, natural vegetation, primarily comprised of native species.

6.11.7.5 (page 71, of OLT Decision OLT 23-000470)

- e) Notwithstanding Policy Nos. 6.11.7.3.5.b), c) and d) above, the following uses are not considered as development and may be permitted as follows:
 - i. forest management, fisheries management, and wildlife management, subject to the approval of the Township in consultation with Niagara Region and the NPCA;
 - ii. conservation projects, flood control projects, and erosion control projects, as approved by the Township in consultation with the Region and the NPCA, provided that it has been demonstrated that the project is necessary to maintain the public interest and all alternatives have been considered;
 - iii. activities that create or maintain infrastructure authorized under an environmental assessment, including a Class Environmental Assessment, completed in accordance with the *Environmental Assessment Act*; and
 - iv. small-scale structures for passive recreational uses, such as boardwalks, footbridges, and picnic facilities, provided that the Township, in consultation with the Region and the NPCA, is satisfied that the number of such structures will be minimized and that there will be no negative impacts on Core Area features or their functions.

The Township's Zoning By-law definitions and regulations for public uses.

PUBLIC USES

The following regulations apply to *public uses*:

Public uses shall be permitted in all *zones*, in accordance with the requirements of this Section, except that permitted public uses within Environmental *Zones* shall be limited to *infrastructure* authorized under an environmental assessment process and works subject to the Drainage Act, unless otherwise specified in this By-law.

INFRASTRUCTURE means drainage and stormwater management facilities, electricity distribution systems, flood control structures, natural gas distribution systems, oil and gas pipelines, public streets, public transit systems, railways, sewers, telecommunications lines and other cabled services, watermains and related buildings or structures located within a public right of way or easement controlled by a public authority, and related service laterals for individual lots, excluding renewable energy systems.

PUBLIC AUTHORITY means any Federal, Provincial, Regional or Municipal government commission, board, or authority and includes utilities which provide infrastructure for public use.

PUBLIC USE means any use of land, buildings or structures by or on behalf of a public authority.

New definition:

BUFFER AREA means land to be used for ecological enhancement, restoration of the natural environment, and maintained as self-sustaining, natural vegetation, primarily comprised of native species. Land that can include infrastructure and passive recreation uses (e.g., trails and rest areas) located within a public right of way or easement controlled by a public authority that is to protect key natural heritage features and their functions.

Please let us know if we have satisfactorily addressed your comments and/or if you should have any outstanding concerns.

Thank you,
Susan

From: Mary Lou Tanner <mtanner@npgsolutions.ca>
Sent: August 12, 2024 9:30 AM
To: Susan Smyth <ssmyth@westlincoln.ca>
Cc: Jon Whyte <jwhyte@phelpshomes.com>; Jowett Lau <JLau@phelpshomes.com>; Brian Treble <btreble@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>
Subject: Re: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Hi Susan

Thank you for your reply and updated wording. Within OPA 63 there are buffer areas which include infrastructure (watermain) as well as the uses listed below. Two comments on this –

1. The infrastructure needs to be recognized as permitted in the buffer area which is in the policies in OPA 63
2. It will be challenging to have self-sustaining vegetation when there the buffer includes infrastructure and passive recreation.

I'd be happy to discuss this further with you.

Thank you.

Mary Lou

Mary Lou Tanner (she/her), RPP, FCIP
President

M 289-776-8904 E mtanner@npgsolutions.ca



Our offices:

To our valued clients and industry partners: We are now working in a hybrid office format at full capacity at each of our three office locations: Niagara Falls, Hamilton, and Toronto. Our landline (905) 321-6743 is available and all NPG team members are available via our individual cell phones. If you are having trouble reaching us, please email Dianne Rintjema @drintjema@npgsolutions.ca. Thank you for working with NPG.

Summer Office Hours:

Our offices hours are revised for the summer season: From June through to the end of September all NPG office locations will close at noon on Fridays. Thank you.

From: Susan Smyth <ssmyth@westlincoln.ca>

Date: Thursday, August 8, 2024 at 1:23 PM

To: Mary Lou Tanner <mtanner@npgsolutions.ca>

Cc: Jon Whyte <jwhyte@phelpshomes.com>, Jowett Lau <JLau@phelpshomes.com>, Brian Treble <btreble@westlincoln.ca>, Justin Paylove <jpaylove@westlincoln.ca>, Gerrit Boerema <gboerema@westlincoln.ca>

Subject: RE: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Hello Mary Lou,

Thank you reaching out and I can advise you that Staff have been considering the comments received on the housekeeping by-law and we have modified the definition to buffer area as follows:

Buffer Area means land to be used for ecological enhancement, restoration of the natural environment, and maintained as self-sustaining, natural vegetation, primarily comprised of native species. Land that can include passive recreation uses (e.g., trails and rest areas) that is to protect key natural heritage features and their functions.

Please note that this has been refined to be consistent with the OPA 63 policies and intent of buffer areas. As you may be aware this is Staff's recommendation and may be subject to further refinements by Council.

Please let me know if you have any concerns or additional comments on the proposed definition. I kindly ask that your comments are provided no later than Wednesday August 14th.



Thank you,
Susan

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

Susan Smyth

Senior Planner

Tel: 905-957-3346 ext.5133
Email: ssmyth@westlincoln.ca
Web: www.westlincoln.ca



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

From: Mary Lou Tanner <mtanner@npgsolutions.ca>
Sent: August 7, 2024 4:16 PM
To: Brian Treble <btreble@westlincoln.ca>; Susan Smyth <ssmyth@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>
Cc: Jon Whyte <jwhyte@phelpshomes.com>; Jowett Lau <JLau@phelpshomes.com>
Subject: Re: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Thanks Brian.

Susan – look forward to your update.

Best

Mary Lou

Mary Lou Tanner (she/her), RPP, FCIP
President
M 289-776-8904 E mtanner@npgsolutions.ca



Our offices:

To our valued clients and industry partners: We are now working in a hybrid office format at full capacity at each of our three office locations: Niagara Falls, Hamilton, and Toronto. Our landline (905) 321-6743 is available and all NPG team members are available via our individual cell phones. If you are having

trouble reaching us, please email Dianne Rintjema @drintjema@npgsolutions.ca. Thank you for working with NPG.

Summer Office Hours:

Our offices hours are revised for the summer season: From June through to the end of September all NPG office locations will close at noon on Fridays. Thank you.

From: Brian Treble <btreble@westlincoln.ca>
Date: Wednesday, August 7, 2024 at 4:15 PM
To: Mary Lou Tanner <mtanner@npgsolutions.ca>, Susan Smyth <ssmyth@westlincoln.ca>, Justin Paylove <jpaylove@westlincoln.ca>
Cc: Jon Whyte <jwhyte@phelpshomes.com>, Jowett Lau <JLau@phelpshomes.com>
Subject: RE: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Hi Mary Lou:



We just had a staff meeting discussing housekeeping comments. Your comments are very helpful and generally made sense to us....

Susan will be able to get into more specifics for you.

Thank you.

Brian

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

	<p>Brian Treble</p> <p>Director of Planning & Building</p> <p>Tel: 905-957-3346 ext.5138 Email: btreble@westlincoln.ca Web: www.westlincoln.ca</p> 
--	--

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.

From: Mary Lou Tanner <mtanner@npgsolutions.ca>
Sent: August 7, 2024 9:10 AM
To: Brian Treble <btreble@westlincoln.ca>; Susan Smyth <ssmyth@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>
Cc: Jon Whyte <jwhyte@phelpshomes.com>; Jowett Lau <JLau@phelpshomes.com>
Subject: Re: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Hello Brian

I hope this email finds you well. I'm following up on this email and our comments. Have you had an opportunity to review this? Your input on our comments is appreciated.

Thank you.

Mary Lou

Mary Lou Tanner (she/her), RPP, FCIP

President

M 289-776-8904 E mtanner@npgsolutions.ca



Our offices:

To our valued clients and industry partners: We are now working in a hybrid office format at full capacity at each of our three office locations: Niagara Falls, Hamilton, and Toronto. Our landline (905) 321-6743 is available and all NPG team members are available via our individual cell phones. If you are having trouble reaching us, please email Dianne Rintjema @drintjema@npgsolutions.ca. Thank you for working with NPG.

Summer Office Hours:

Our offices hours are revised for the summer season: From June through to the end of September all NPG office locations will close at noon on Fridays. Thank you.

From: Mary Lou Tanner <mtanner@npgsolutions.ca>

Date: Tuesday, July 23, 2024 at 2:54 PM

To: Brian Treble <btreble@westlincoln.ca>, ssmyth@westlincoln.ca <ssmyth@westlincoln.ca>, jpaylove@westlincoln.ca <jpaylove@westlincoln.ca>

Cc: Jon Whyte <jwhyte@phelpshomes.com>, Jowett Lau <JLau@phelpshomes.com>

Subject: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Hello Brian

Please find our comments on the above proposed amendment on behalf of Phelps Homes.

We would be happy to meet with you to discuss this letter and the proposed amendment.

Kind regards

Mary Lou

Mary Lou Tanner, RPP, FCIP

President

M 289-776-8904 E mtanner@npgsolutions.ca



Our offices:

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

October 15, 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. PD-42-2024**

Dear Mr. Treble -

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

We understand that a third Information Report has been prepared regarding a proposed Housekeeping Amendment to Comprehensive Zoning By-law 2017-70 (Report No PD-42-2024). We are pleased to provide this comment letter for Council and Staff review. Our comments revolve around the definitions and amenity area requirements included within the proposed Housekeeping Amendment No. 8.

Bonafide Farm Operation Definition

We have reviewed the amended version of *Part 2 "Definitions"*. The definition for "Bonafide Farm Operation" is intended, as we understand the proposed By-law, to provide clarity in interpretation. The proposed definition is included below:

Bonafide Farm Operation shall be:

- a) An operation actively engaged, employed, and managing a farm exclusively for agricultural use;*
- b) Operators earn majority of their income from farming (the scale of the farm operation should be capable of generating a reasonable operating profit under normal economic conditions and have a valid Farm Business Registration number);*
- c) Demonstrate a continuing commitment to the farm operation, such as through farm maintenance practices, and investment in equipment, buildings and crops; and*
- d) An operation that provides full time employment on the farm for one or more persons.*

Respectfully, clause b) within the above definition should be removed. This clause requiring operators earn a majority of their income from farming places restrictions on farming operations with diverse revenue streams, such as farms which feature agri-tourism and or other complimentary uses. Further, it may be challenging for the Township to monitor and enforce an income based requirement as this involves private information which is not typically provided to the Township for zoning purposes. Zoning by-laws regulate land use, not income or financial viability. The core focus should be on whether the land is actively used for agricultural and farming purposes and not be impacted by the financial viability of the operation.

Additionally, clause d) does not consider if a farm is leased. In this scenario, the property owner may not directly employ anyone, despite the property being used as a farm. This clause could penalize property owners for using their land as intended due to a technicality. Further, many farms do not require full-time employees year-round as they may rely on seasonal or part-time labor during peak periods like planting or harvest. Requiring full-time employment could exclude legitimate farming operations that don't meet this specific criterion.

We request that the definition of “Bonafide Farm Operation” be revised as follows:

Bonafide Farm Operation shall be:

- a) *An operation actively engaged, employed, and managing a farm exclusively for agricultural use; and*
- b) *Demonstrate a continuing commitment to the farm operation, such as through farm maintenance practices, and investment in equipment, buildings and crops;*

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 20 m² of amenity area per dwelling plus 10 m² per unit for dwellings with 5 or more dwelling units on one lot, and 80 m² per dwelling plus 10 m² per unit or dwellings with 9 or more dwelling units on one lot within the RH zone.

We believe that that the inclusion of both a “per dwelling” and “per unit” requirement significantly hinders developments with multiple buildings on one block. For example, a development with 10 units across two buildings would require a total of 140 m² for two buildings, plus 100 m², for a total of 240 m² of amenity area for 10 units.

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. In addition to this “base” requirement for a dwelling, GSP also recommended additional amenity area requirements *per dwelling unit* (i.e., 10 square metres 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”. Therefore, every separate building on a lot would require 20 square metres of amenity area in addition to the per unit count. GSP recommended the base with the additional requirements *per dwelling unit*. The Township’s draft Housekeeping Amendment No. 8 appears to apply the “base” requirement per each dwelling unit in addition to the requirement on a *per unit* basis. This will result in an unachievable minimum amenity area requirement. Further, we believe that the provided amenity area requirements will constrain development and make it challenging for the Township to achieve the density targets established within OPA 63 (Smithville Master Community Plan).

When comparing to other area municipalities with minimum amenity area requirements, requirements are much lower than proposed within Housekeeping Amendment 8:

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 and surrounding municipalities, which we believe are appropriate. We recommend removing the “per dwelling” requirement to provide a standard baseline and reducing the requirement within RH zones from 80 m² to the 40 m² as originally recommended by GSP Group.

Sincerely,



Max Fedchyshak, MCIP, RPP
Intermediate Planner
NPG Planning Solutions Inc.