



## Planning Justification Report

### **Zoning By-law Amendment and Draft Plan of Subdivision**

NS. St. Catharines Street, West Lincoln

ARN: 260203001320700; South Grimsby Con 9 Pt Lot 5

Date: September 2024

For: Kainthville Holdings Inc.

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## 1.0 Introduction

NPG Planning Solutions Inc. (NPG) are planning consultants to Kainthville Holdings Inc., the “Owner” of approximately 7.68 hectares (18.98 acres) of land in the Township of West Lincoln, legally described as South Grimsby Concession 9 Part Lot 5 (Subject Lands). NPG has been retained to provide professional planning advice on Applications for Zoning By-law Amendment (“ZBA” in reference to the draft By-law) and Plan of Subdivision for the Subject Lands in the form of a Planning Justification Report (PJR).

The Applications are required to facilitate a development of 37 blocks consisting of 329 residential units (see Table 1 in Section 3.0 for detailed breakdown of dwelling unit types), twenty (20) business park units, approximately 756 m<sup>2</sup> of commercial gross floor area (GFA), 0.63 hectares of parkland, as well as trail and environmental conservation uses. The proposed development also contains five (5) public roads and lands set aside as reserves and for future development. A Concept Plan and a Draft Plan of Subdivision have been included with the Applications and attached as **Appendix A** and **Appendix B** to this PJR, respectively. The Concept Plan demonstrates how the proposed ZBA and Plan of Subdivision may be implemented. A detailed description of the proposal is included in **Section 3.0** entitled Proposed Development of this PJR. Future Applications will be required following approval of the Applications including Plans of Condominium, Exemption from Part Lot Control and Site Plan Applications. This matter is discussed in Section 3.0 of this PJR.

Section 5.1 of this PJR provides an analysis of the proposed development when assessed in relation to requirements under the *Planning Act*. Sections 5.2, and 5.3 of this PJR address consistency and conformity with Provincial and Regional planning policies. Section 5.4 of this PJR discuss the proposal’s conformance with the Official Plan of the Township of West Lincoln (Township OP) including the East Smithville Secondary Plan (ESSP) approved on February 28<sup>th</sup>, 2022. Section 6.0 of this PJR describes in detail the proposed ZBA including any site-specific relief being sought.

In summary, the Applications comply with requirements of the *Planning Act*, are consistent with the Provincial Policy Statement (PPS), the Niagara Official Plan (Niagara OP), and the Township OP. The Applications are required to implement the policies of the ESSP and would facilitate the achievement of complete communities through the provision of a mix of land uses including a range of housing options, mix of jobs, and local stores. The proposed development is also planned to achieve a density target of 87.7 residents and jobs per hectare, exceeding the planned density target for the ESSP Area.

## 2.0 Description of Subject Lands and Surrounding Area

As shown in **Figure 1 - Aerial Context**, the Subject Lands are in the periphery of the Urban Area Boundary and are within a Designated Greenfield Area forming part of the recently approved ESSP. The Subject Lands are approximately parallelogram shaped

with frontage of approximately 215 metres along St. Catharines Street (Regional Road 20), depth of approximately 385 metres and an area of 7.68 hectares.

To the southeast of the Subject Lands is a roundabout where Townline Road terminates at St. Catharines Street. Industrial Park Road is located approximately 200 metres west of the Subject Lands. As discussed in Section 3.0 of this PJR the primary access to the Subject Lands will be provided via the roundabout and a secondary access that would originate from Industrial Park Road and transverse abutting lands located to the west of the Subject Lands as contemplated in the ESSP.

The Subject Lands are vacant of buildings and structures. The only natural heritage feature is a watercourse segment in the northwest corner, which MNR identified as Type 2 (Important) Fish Habitat. There are no wetlands or natural hazards including flood plain present on the Subject Lands.

Stage 1 and through Stage 4 Archaeological Assessments were completed for the Subject Lands. Following the completion of these assessments, the sites no longer retain further cultural heritage value or interest. As such, no further archaeological mitigation of the Subject Lands is required.

The Subject Lands are surrounded by a mix of land uses. These include agriculture uses to the east and west, and commercial and low density residential uses across St. Catharines Street to the south. These surrounding lands are intended for future development and designated for a range of uses including mixed use, low density residential, medium density residential, and business park as shown in the ESSP.

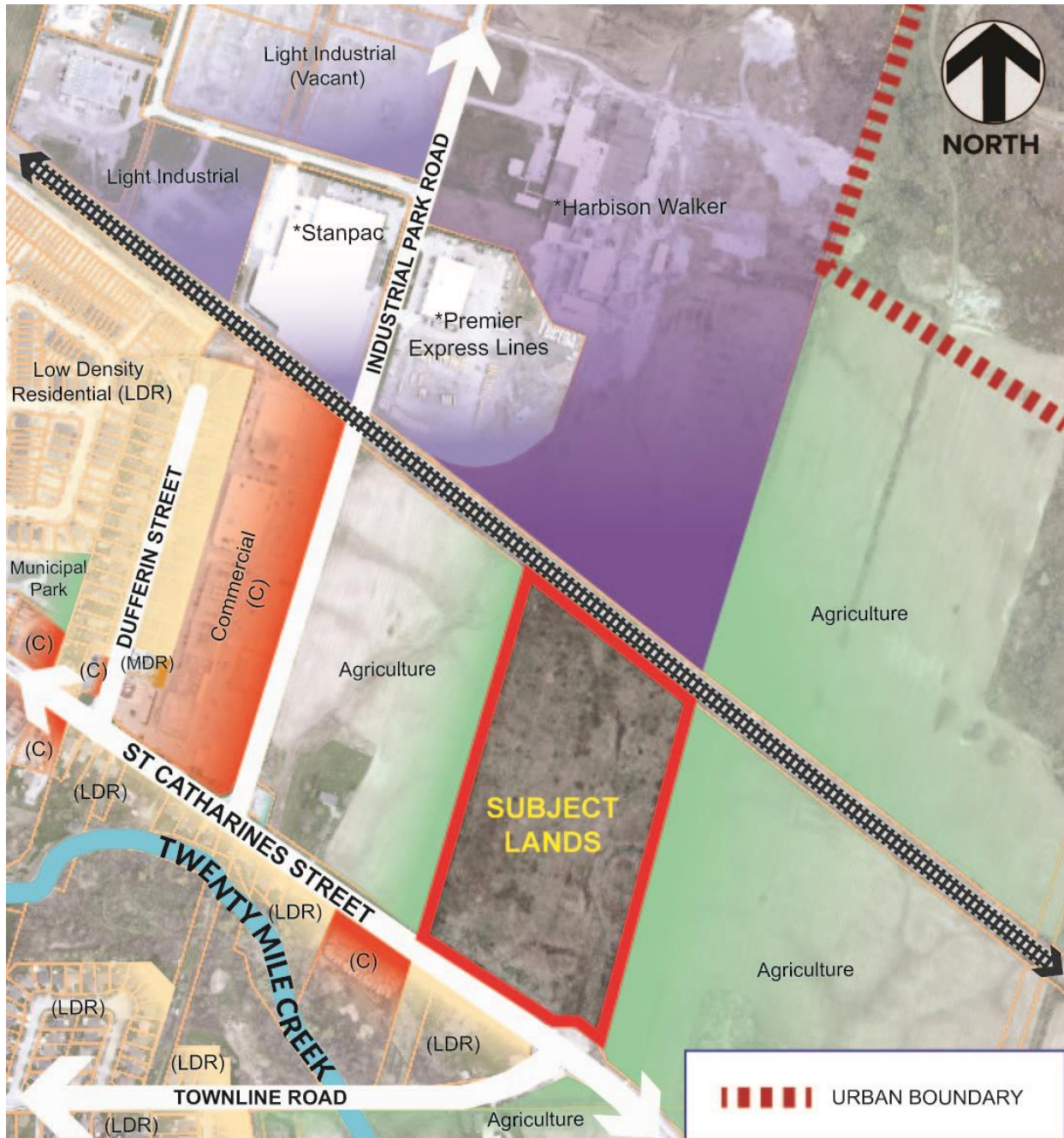
Abutting the Subject Lands to the north is the Canadian Pacific Railway line and the Smithville Industrial Park located across the Railway line. The main industrial facility in proximity to the Subject Lands is Harbison Walker (2689 Industrial Park Road). Harbison Walker is a manufacturing plant that produces precast-shaped and monolithic refractory products. Two other commercial/industrial facilities are in the Business Park northwest of the Subject Lands and include Stanpac Ink. & West Lincoln Community Care Centre (2660 Industrial Park Road) and Premier Express Lines (2659 Industrial Park Road). A Noise Feasibility Study dated September 12, 2024, and Land Use Compatibility Study dated September 12, 2024, was prepared by HGC Engineering in support of the Applications. The studies indicated that the three establishments are best categorized as Class II industrial operations under the MECP guideline D-6 and that sound emissions from the uses will comply with the MECP guideline limits at the future residential locations.

The Class II classification represents a place of business with medium scale processing and manufacturing, with outdoor storage of wastes or materials (i.e., it has an open process), periodic outputs of minor annoyance, and/or occasional outputs of fugitive emissions for noise, odour, dust and/or vibration. Daytime and/or nighttime operations are permitted, and there can be frequent movement of products and/or heavy trucks during daytime hours. The MECP guideline D-6 recommends that sensitive lands uses be setback 70 metres from Class II facilities. As indicated in Section 3.0 of this PJR, the

lands proposed to be zoned for parks purposes and residential use are outside the 70-metre setback.

The Subject Lands and proximate uses are shown on **Figure 1 – Aerial Context** below:

**Figure 1 – Aerial Context**



**Figure 2 - Community Amenities Map** highlights various community amenities and active transportation facilities within a 500-metre and 1-kilometre radius of the centre of the Subject Lands.

St. Catharines Street, running in a general east/west direction is characterized as a mixed use corridor. St. Catharines Street features a range of commercial, institutional, and residential uses including retail, restaurants, grocery stores, automotive services and service-based uses.

Parks are located within 1 kilometre of the Subject Lands, including Hank MacDonald Park, Rock Street Park, and Alma Acres Park.

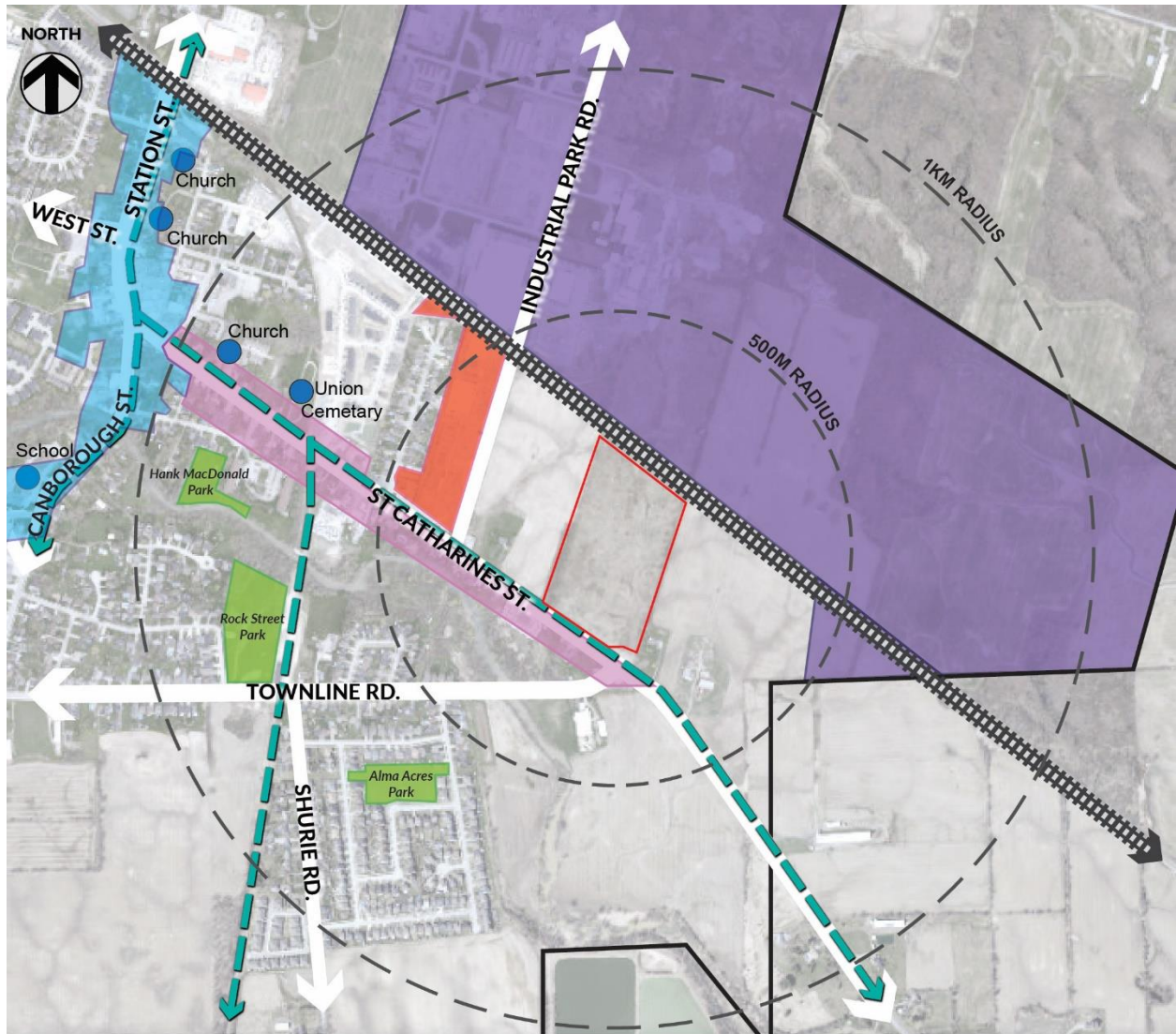
Downtown Smithville is located approximately 1 kilometre west of the Subject Lands with St. Catharines Street and Station Street (Regional Road 20) being the primary main streets of Downtown Smithville. This intersection is characterized by a mix of commercial and residential uses, primarily in 1 and 2 storey buildings.










Smithville Public School, being an elementary school, is located approximately 1 kilometre west of the Subject Lands on the northwest corner of Canborough Street and Colver Street. There are no public secondary schools located in proximity to the Subject Lands.

The Subject Lands have access to a range of transportation options. West Lincoln is serviced by On-Demand Transit, a shared-ride public transit service without a fixed schedule or route. The bus travel is optimized by computer software, and it is based upon rider trip requests. On-Demand Transit operates within the entire Township allowing riders to travel from point to point without transfers.

The Subject Lands are connected to the Region's Strategic Cycling Network, and existing and planned bike lanes along St. Catharines Street. This infrastructure connects the Subject Lands to downtown Smithville for services.

Figure 2 – Community Amenities Map



- |  |   |  |
|--|---|--|
|  Subject Lands                |  Mixed Use Corridor  |  Parks/Recreation                           |
|  Schools & Institutional Uses |  Downtown Smithville |  Commercial                                 |
|  Employment Areas             |  Urban Area Boundary |  Niagara Region's Strategic Cycling Network |



A site visit occurred on April 18, 2023, to understand the Subject Lands and surrounding area. Photos from the site visit are shown on the following pages:

**Photo 1 – View of Subject Lands from St. Catharines Street**



**Photo 2 – View from northern boundary of Subject Lands towards CP Railway Lands and Harbison Walker**



**Photo 3 – Drainage feature at northwest corner of Subject Lands**



**Photo 4 – View from Subject Lands towards adjacent agricultural lands to the west and commercial uses across Industrial Park Road**



**Photo 5 – View from St. Catharines Street of dwelling on adjacent Lands to the west of the Subject Lands**



**Photo 6 – View from St. Catharines Street of agricultural lands on adjacent lands located to the west of the Subject Lands**



**Photo 7 – View from Industrial Park Road, north of St. Catharines Street towards Subject Lands**



**Photo 8 – View from roundabout where Townline Road and St. Catharines Street intersect towards adjacent lands to the east of Subject Lands**



**Photo 9 – Smithville RV (284 St. Catharines Street)**



**Photo 10 – View from Industrial Park Road north of St. Catharines Street towards Commercial Lands on the west side of St. Catharines Street**



**Photo 11 – Roundabout where Townline Road and St. Catharines Street intersect  
(Location of anticipated street access to Subject Lands)**



**Photo 12 – Premier Express Lines (2659 Industrial Park Road)**



**Photo 13 – Stanpac Inc. & West Lincoln Community Care – Thrift Store and Foodbank (2660 Industrial Park Road)**



**Photo 14 – HarbisonWalker International (2869 Industrial Park Road)**



## 3.0 Proposed Development

### 3.1 Timeline

The following is a timeline of significant events that led to the submission of the proposed Applications:

1. Pre-consultation meetings were held on September 16<sup>th</sup>, 2021, and March 17, 2022 regarding Applications for ZBA and Plan of Subdivision applications. The pre-consultation notes from the March 17, 2022 meeting identify several study requirements for complete applications.
2. Application for Zoning By-law Amendment was submitted May 18, 2023 to rezone the Subject Lands to facilitate the development. The Application was withdrawn at the request of the Township. The Township requested that a Plan of Subdivision be submitted concurrently.
3. Concurrent Applications were submitted on December 14, 2023 for concurrent Zoning By-law Amendment and Plan of Subdivision. Notice of Incomplete Application was received on March 12, 2024.

This submission is required to address Township comments regarding the Applications. In addressing Township's comments, several changes have been made to the proposal compared with the December 14, 2023 submission and are summarized as follows:

1. A Trail Block, identified as Block 37 on the Draft Plan of Subdivision, is proposed between the railway line and Block 2. This Trail is expected to connect with a trail on adjacent lands to the east and abuts the Environmental Conservation Block on the Subject Lands;
2. Block 30 and 31 are now proposed to be developed for a 6-storey retirement home and an 8-storey apartment building with at-grade commercial uses, for a total of 104 retirement home units, 152 apartment dwelling units and 756 m<sup>2</sup> of commercial gross leasable floor area (GLFA) is proposed on these blocks. An architectural drawing set consisting of Site Plan, Floor Plans and Elevation Drawings for Block 30 and Block 31 have been prepared by Raimondo & Associates Architects Inc. and attached as Appendix A1 to this report;
3. The internal configuration of Block 2 has been revised to improve the internal truck turning movement, and to provide for a 3-metre front yard setback.

Supporting studies including this Planning Justification Report have been updated to reflect these changes.

### 3.2 Current Proposed Development

The applicant is proposing a ZBA and Plan of Subdivision to facilitate a development consisting of residential (including retirement home), commercial, business park, parkland and environmental conservation uses, in accordance with the policies of the ESSP approved by Township Council on February 28, 2022.



The Draft Plan of Subdivision proposes five (5) public streets, labelled Street “A” to Street “E”. Access to the Subject Lands would be provided from two locations: the first being from Street “A”, originating at the roundabout where Townline Road and St. Catharines Street intersect and running north; the second being labelled Street “B”, running in an east/west direction, originating at Industrial Road located approximately 200 metres west of the Subject Lands, running through abutting lands to the west and the Subject Lands, and connecting to abutting lands to the east. Street “A” and Street “B” are proposed as collector roads. The Concept Plan has been designed to limit access to collector roads.

The eastern portion of Street “A” is located on the adjacent lands to the east. It is understood that the Owners of the adjacent lands to the east are in the process of submitting separate applications under the *Planning Act* to develop their lands. The Street “B” connection to Industrial Road is dependent on the development of the adjacent lands to the west.

Local Roads being identified as Street “C” and Street “D” are proposed to run in an east/west direction originating at Street “A” at the east. Streets “C” and “D” would be located to the south of Street “B”. Another local road being Street “E” is proposed to run in a north-south direction connecting Streets “B” and “C.”

Blocks 30 and 31 are proposed along the northside of St. Catharines Street (Regional Road) and the southside of proposed Street “D” on lands designated Mixed Use in the ESSP. Section 6.11.5.2 of the ESSP provides that the “Mixed Use designation is intended to be flexible and responsive to land use pattern changes and demands, and permit a broad range of residential, commercial and retail uses which are compatible with the surrounding area and meet the day to day needs of the neighbourhood.”

An architectural drawing set consisting of Site Plan, Floor Plans and Elevation Drawings for Block 30 and Block 31 have been prepared by Raimondo & Associates Architects Inc. and attached as Appendix A1 to this report. The Site Plan in Appendix A1 shows a retirement home containing 104 units and 104 surface parking spaces on Block 30 and a mixed-use building with 152 apartment dwelling units and 756 square metres (8,137 square feet) of ground floor commercial uses on Block 31. Block 31 has a total of 224 parking spaces of which 74 spaces are at grade and 150 spaces are located in an underground parking level. A Commercial Mixed (CM-####) Zone with site-specific provisions is proposed for Blocks 30 and 31 to develop the lands as high density mixed use blocks. Site-specific provisions are proposed for Block 30 to facilitate the development and are discussed in detail in **Section 6.0** of this report. It is anticipated that a future application for Site Plan Control will be required to facilitate the development of Blocks 30 and 31.

Proposed to the south of Street “B” and north of Street “D” are 26 residential blocks for a total of three (3) single-detached, thirty-six (36) semi-detached, and thirty-four (34) street townhouse dwelling units. These lands are designated Medium Density Residential in the south and Low Density Residential in the northwest in the Community Structure Plan

forming part of the ESSP. Single-detached and semi-detached dwelling units are focused on lands designated Low Density Residential. Street townhouse and semi-detached dwelling units are focused on lands designated Medium Density Residential. Semi-detached dwellings are required to be permitted on lands designated Medium Density Residential to address the curvature of Streets “C” and “D”. Residential lands to the north of Street “C” are proposed to be rezoned to Residential Low Density (R3-###) Zone with site-specific provisions. Residential lands to the south of Street “C” are proposed to be rezoned to (RM2-###) Zone with site-specific provisions. Each single detached, semi-detached and street townhouse dwelling unit has 2 parking spaces: one parking space within a private attached garage and another parking space within the driveway in tandem.

Block 2, located to the north of Street “B” being designated Business Park in the ESSP is proposed to be rezoned to Employment (M1-###) Zone with site-specific provisions. These lands would be used for 20 business park units with an approximate floor area of 2,416 m<sup>2</sup>. The Concept Plan in Appendix A illustrates on-site parking to be located in the rear and side yards and between buildings while loading and service areas are completely within the rear yard and screened by buildings. It is anticipated that at the Site Plan application stage, the provided number of parking and loading spaces will comply with the requirements under Zoning By-law No. 2017-70. The Applications propose to add site-specific permitted uses including furniture stores, hotels/motels, health clubs, personal service shops, retail stores, and restaurants.

Block 1 is proposed to be rezoned to Environmental Conservation (EC) and be used for Environmental Conservation purposes. Block 3 (0.63 hectares) is proposed to be dedicated as parkland. Block 37 is proposed to accommodate a noise-mitigating wall as well as a public trail which will also be dedicated to the Township as parkland. Blocks 32 and 33 are not proposed to be developed at the moment and is slated for future development. Lastly, Blocks 34 to 36 will be dedicated to the Township as one-foot reserves at the western ends of Street “B”, Street “C” and Street “D”.

Overall, the Concept Plans included as **Appendix A** and **Appendix A1** to this report shows 329 residential units (see Table 1 below for detailed breakdown of unit types), twenty (20) business park units, approximately 756 m<sup>2</sup> of commercial Gross Floor Area (GFA), among other uses.

**Table 1. Proposed Unit Breakdown**

Dwelling Form	# of Units
Single Detached Dwelling	3
Semi Detached Dwelling	36
Street Townhouse Dwelling	34
Retirement Home	104
Apartment Dwelling	152
<b>TOTAL</b>	<b>329</b>

### 3.3 Density

The ESSP area is intended to achieve a minimum overall density of 50 people and jobs per hectare. To achieve this minimum overall density target, the ESSP provides density targets for certain land use designation. Table 2 Below provides densities that would be achieved based on the proposed plan:

**Table 2 – Proposed Densities**

Land Use Designation	Corresponding Blocks on Draft Plan	Estimated Number of Units	Land Area (ha)	Density Target (u/ha)	Planned Densities
Low Density Residential	4-16	23	0.82	30 (max)	28
Medium Density Residential	17-29	50	1.23	30 – 50 u/ha	40.7
Mixed Use	30 & 31	256	1.85	90 u/ha (min)	138.4

The proposed ZBA would facilitate densities for each of the land use designations as shown on **Figure 3 – Densities Map** below:

**Figure 3 – Densities Map**



### 3.4 Greenfield Targets

Densities must be considered regarding the intent of the Secondary Plan. As per Section 2.4 of the ESSP “where the general intent of this Secondary Plan is maintained to the satisfaction of the Municipality, minor adjustment will not require an amendment to this Secondary Plan.” The calculations below demonstrate that the proposed development has been planned to accommodate a combined total of 656 residents and jobs for the site, or 87.7 residents and jobs per hectare (in excess of the 50 residents and jobs per hectare greenfield density target). Note, the Environmental Conservation Block (Block 1) being 0.18 hectares was excluded in accordance with Section 2.2.7 of the Growth Plan and the Future Development Block (Block 32) being 0.02 ha and Future Development Block (Block 33) being 0.0023 hectares were excluded, as these blocks are not proposed to be developed at this time, leaving a developable area of 7.477 hectares.

#### **RESIDENTS**

Statistics Canada, 2021 Census of Population includes information on its Census Subdivisions including the Township of West Lincoln regarding type of dwelling and household size. This information includes average People Per Unit (PPU) related to detached house, semi-detached house, row house, and apartment in a building that has fewer than five storeys for the Township. The 2021 Census of Population did not include any apartment in a building that has five or more storeys in the Township of West Lincoln.

For the purposes of estimating the average PPU for the retirement home on Block 30 and the mixed-use apartment building on Block 31, the average PPU for an apartment in a building that has fewer than five storeys were used. This PPU was also used to calculate the persons per unit for the proposed retirement home as the 2021 Census of Population also did not include this figure. Table 3 provides a calculation of estimated number of residents that the development is anticipated to accommodate based on the number of proposed units and average PPU.

**Table 3 – Estimated Number of Residents<sup>1</sup>**

Housing Type	Number of Units Proposed	Average PPU	Total Residents estimated
Single-Detached Dwellings	3	3.0	9
Semi-Detached Dwellings	36	2.6	93.6
Street Townhouse	34	2.2	74.8
Retirement Home	104	1.5	156
Apartment	152	1.5	228
<b>TOTAL</b>	<b>329</b>		<b>562 (561.4)</b>

Based on the above, the proposed development is anticipated to house 562 (561.4) residents.

## **JOBS**

In 2022, Watson & Associated Economics Ltd. completed a Development Charge Background Study (DC Background Study) for the Region of Niagara. The DC Background Study applied the following employee density assumptions:

- 111.48 m<sup>2</sup> (1,200 ft<sup>2</sup>) per employee for industrial; and
- 46.45 m<sup>2</sup> (500 ft<sup>2</sup>) per employee for commercial.

These employee density assumptions have been reimplemented in the 2022 Development Charges Background Study.

The primary use of the business park units would be industrial. On this basis, an employee density of 111.48 m<sup>2</sup> (1,200 ft<sup>2</sup>) per employee is appropriate. The business park units located on Block 2 are shown as having a combined gross floor area of approximately 2,416 m<sup>2</sup> (26,011 ft<sup>2</sup>). Based on these inputs, the business park units are anticipated to result in the creation of 22 jobs.

Similarly, the proposed 756 m<sup>2</sup> of commercial gross floor area in Block 31 is anticipated to create 16 jobs, based on 46.45 m<sup>2</sup> (500 ft<sup>2</sup>) per employee for commercial use.

<sup>1</sup> <https://www150.statcan.gc.ca/t1/tb1/en/tv.action?pid=9810004101&pickMembers%5B0%5D=1.2420>

It is estimated that there would be a proportion of residents within the proposed development working from home. For this reason, the residential units are anticipated to contribute to the number of jobs.

The Township of West Lincoln has a work from home rate of approximately 9.9% based 2021 Census of Population noting an overall population of 15,454 and indicating that 1,530 residents work from home in the Township.

Based on a rate of 9.9%, it is estimated that 56 residents within the development would work from home, contributing to 56 (55.638) jobs.

Based on the above, the proposed development is anticipated to accommodate 94 jobs.

## **SUMMARY**

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The proposed development has been planned to accommodate a combined total of 656 residents and jobs for the site (562 residents, 94 jobs), or 87.7 residents and jobs per hectare (in excess of the 50 residents and jobs per hectare greenfield density target).

### **3.5 Future Applications & Coordination**

Development of the Subject Lands requires coordination with the adjacent lands to the east to address stormwater management and the construction of shared roadways. Full development of the Subject Lands will also need to consider capacity constraints with the Smithville Sanitary Pumping Station as described in Section 4.6 of this PJR.

Future Site Plan Applications will be required for Blocks 2, 30 and 31, as these Blocks will feature a mix of uses including more than ten (10) residential units. Plan of Standard Condominium will also be required to facilitate ownership of dwelling units on Blocks 30 and 31. The Concept Plans in **Appendix A** and **Appendix A1** demonstrates how Blocks 2, 30 and 31 could be developed to meet the objectives of the ESSP. However, through the Site Plan approval process, the detailed design of these blocks is anticipated to be refined. The proposed Zoning By-law Amendment will ensure that the future designs of these blocks remain in conformance with the ESSP and the Town OP.

## **4.0 Supporting Studies Review**

Pre-consultation meetings were held September 16<sup>th</sup>, 2021, and March 17, 2022 regarding Applications for ZBA and Plan of Subdivision. The pre-consultation notes from the March 17, 2022, pre-consultation meeting identify several study requirements for complete applications. The Applications for ZBA and Plan of Subdivision were first submitted on December 14, 2023. The Applications included all of the required studies. Comments were provided on the Applications by the Township of West Lincoln and Region of Niagara. The studies have been updated to address these comments. The following is a summary of the studies, as updated:

#### 4.1 Noise and Vibration Study

The pre-consultation notes indicate that the Subject Lands are located immediately to the south of an active rail line (owned by CP) and commercial/industrial uses which triggers the requirement for the completion of a Noise and Vibration Study. A Noise Feasibility Study was prepared by HGC Engineering dated December 8, 2023, and revised September 12, 2024 to address the updated conceptual plan and draft plan of subdivision.

The Noise Feasibility Study considered Canadian Pacific Railway Principal Mainline Requirements and the Federation of Canadian Municipalities (FCM) and Railway Association of Canada (RAC) "Guidelines for New Development in Proximity to Railway Operations", dated May 2013. Of note, the standard recommended building setbacks for new residential development in proximity to a principal main line is 30 metres. A Vibration Study was not completed. MECP and CP Rail guidelines require measurements of ground-borne vibration when residential dwelling units are to be located within 75 metres of a principal mainline. As residential units will be located approximately 110 metres from the CP railway, the standard recommended setback for new residential development in proximity to a principal mainline is met and an assessment of ground-borne vibration is not necessary.

The Noise Feasibility Study predicts that the future traffic sound levels will exceed MECP guidelines at the proposed residences with exposure to the roadways and CP railway. Sound emissions of the commercial/industrial land uses will comply with the MECP guideline limits at the future residential locations associated with the proposed development negating the need for physical mitigation measures.

The Noise Feasibility Study recommends various measures to mitigate impacts including the use of warning clauses, the provision of air conditioning, the use of brick or other masonry for exterior wall construction, acoustic barriers etc. The Noise Feasibility Study will need to be updated during the Site Plan stage when detailed site plan, floor plans and building elevations are determined.

#### 4.2 Scoped Land Use Compatibility Study

The pre-consultation notes indicated that a scoped Land Use Compatibility Study would be required, in accordance with the D-6 Requirements. A scoped Land Use Compatibility Study was prepared in support of the Applications by HGC Engineering dated December 8, 2023, and revised on September 12, 2024.

The study considered uses in proximity to the Subject Lands. The study indicates that the establishments on the west side of Industrial Park Road, south of the CP Rail line, are best categorized as Class I commercial operations, with no observable nighttime activity, no outdoor operations, and no audible sound emissions. There are three establishments that are larger, and best categorized as Class II industrial operations; these include Stanpac Inc. / WLCC Centre (at 2660 Industrial Park Rd.), Harbison Walker International (at 2689 Industrial Park Rd.), and Premier Express Lines (at 2659 Industrial Park Rd.).

The study indicates that the Class II classification represents a place of business with medium scale processing and manufacturing, with outdoor storage of wastes or materials (i.e., it has an open process), periodic outputs of minor annoyance, and/or occasional outputs of fugitive emissions for noise, odour, dust and/or vibration. Daytime and/or nighttime operations are permitted, and there can be frequent movement of products and/or heavy trucks during daytime hours.

The scoped Land Use Compatibility Study indicates that the facilities listed above do not necessarily require an Environmental Compliance Approval (“ECA”) from the Ministry of the Environment, Conservation and Parks (MECP) to operate (for Air and Noise). Rather the air/noise environmental footprint is sufficiently minor that either self registration within the MECP Environmental Activity and Sector Registry (“EASR”), or no action is required with regard to permitting with the MECP.

Harbison Walker (2689 Industrial Park Road) and Premier Express Lines (2659 Industrial Park Road) are zoned Industrial Employment (M2). Stanpac Ink. & West Lincoln Community Care Centre (2660 Industrial Park Road) are zoned Industrial Employment (M2-128) with site-specific permission for a reduced rear yard setback abutting a railway or rail spur. The M2 zone permits the following primary uses:

- Communications establishment
- Contractors establishment
- Industrial use
- Motor vehicle body shop
- Service shop
- Wayside pit or quarry

Permitted Accessory uses include:

- Office
- Outside storage
- Renewable energy system
- Retail store

Part 2 of the Zoning By-law defines industrial use as:

*the use of land, buildings or structures for manufacturing, processing, fabricating, assembling, warehousing or storing of raw materials or goods and related accessory uses.*

As per Section 3.13 of the Zoning By-law, obnoxious uses are generally prohibited in all zones. Part 2 of the Zoning By-law defines obnoxious uses as follows:

*a use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, light, or objectionable odour, or by reason of the matter, waste or other material generated by the user, and without limiting the*



*generality of the foregoing shall include any uses which may be declared to be a health hazard under the Health Protection and Promotion Act, as amended. Permitted uses which are operating in accordance with all applicable Federal, Provincial and Municipal rules and regulations are deemed not to be obnoxious.*

To summarize, physical mitigation measures are not required for sound emissions for the commercial/industrial land uses, as such uses will comply with the MECP guideline limits at the future residential locations. Any future uses established in proximity to the Subject Lands would need to comply with Section 3.13 of the Zoning By-law which prohibits obnoxious uses throughout the Township.

#### 4.3 Response to Niagara Region Comments on Land Use Compatibility Study and Noise Feasibility Study

The Township of West Lincoln and the Region of Niagara had provided comments with the December 14, 2023 submission, regarding both the Land Use Compatibility Study and the Noise Feasibility Study. Comments from the Region and the Township are dated March 12, 2024.

- Regional staff required additional information to confirm how the Land Use Compatibility Study determined Harbison Walker International to be a Class II as opposed to a Class III facility.
- Township staff required confirmation that the proximity guidelines (2013) were considered Noise Feasibility Study to ensure that the requirements of pertaining to the principal mainline have been met in terms of setbacks to the rail line, berms, acoustic fencing and safety fence.

Responses to these confirmations are included in the Response to Comments from Niagara Region and Township of West Lincoln memo, prepared by HGC Engineering and dated September 12, 2024.

#### 4.4 Archaeological Assessment

The pre-consultation notes indicate that based on the Ministry of Tourism, Culture and Sport's (now implemented by the Ministry of Citizenship and Multiculturalism) Criteria for Evaluating Archaeological Potential, the Subject Lands are within 300 metres of three (3) registered archaeological sites (AgGv-145- Location 1, AgGv-145, AgGV-54 Riverview Estates) (southwest) and several natural watercourse features (Lower Twenty Mile Creek Wetland Complex, Twenty Mile Creek), which triggers the requirement for an archaeological assessment. Pre-consultation notes further indicate that Stage 1-2 Archaeological Assessment, plus any subsequent assessments should be submitted with the Applications.

Stage 1 and Stage 2 Archaeological Assessments were prepared by ASI Heritage, dated November 12, 2021, and September 8, 2022, respectively. The Stage 2 Archaeological Assessment documented two Early Archaic Indigenous sites (AgGv-148 and AgGv-149). Stage 3 Archaeological Assessments will be required to identify the character, extent and

significance of the archaeological deposits more fully, in accordance with Ministry Standards.

Stage 3 and Stage 4 Archaeological Assessments were completed by AS&G Archaeological Consulting. Representatives of the Haudenosaunee Development Institute (HDI), Six Nations of the Grand River Elected Council (SNGREC), and Mississauga of the Credit First Nation (MCFN) participated in the Stage 3 fieldwork (Supplementary Documentation). Following the completion of the Stage 3 (report dated July 29, 2024) and 4 Archaeological Assessments (report dated August 7, 2024), the sites no longer retain further cultural heritage value or interest. As such, no further archaeological mitigation of site AgGv-148 or AgGv-149 is required.

#### 4.5 Urban Design Brief

Pre-consultation notes indicate that buildings in high visibility areas should be designed with an enhanced façade and that a high-level urban design report is required for the initial submission with a detailed report as a condition of draft plan approval. Pre-consultation notes further indicate requirements for Concept Plan, and Conceptual building elevations for buildings that will front onto the Regional Road, as well as an Urban Design Brief to describe the design rationale for the development proposal, including how it fits with the character and vision of the ESSP.

An Urban Design Brief has been prepared by NPG Planning Solutions dated September 2024 and included with the submission. The proposed developments on Block 30 and Block 31 are conceptually illustrated as framing St. Catharines Street with well-designed street-facing elevations in Appendix A1.

The Urban Design Brief concluded that proposed development represents good urban design and adopts a comprehensive approach to design that enhances the livability and physical appeal of the Subject Lands. The Urban Design Brief indicates that the development ensures the sensitive integration of new development with planned development. This sensitive integration is achieved through the incorporation of public and private spaces, varied land uses and built form, a wide range of housing choices, ample open space and recreational facilities, and convenient access to transportation options. The result is a well-defined public realm that reflects the planning and urban design policies set out in policy documents as indicated in the Urban Design Brief.

Of note, further consideration of urban design matters will be addressed through future Site Plan Applications for Blocks 2, 30 and 31.

#### 4.6 Constraints Analysis and Scoped Environmental Impact Study

A Constraint Analysis and Scoped Environmental Impact Study (EIS) was prepared by Barry Myler of Myler Ecological Consulting dated May 19, 2023 for an earlier Application for Zoning By-law Amendment. An Addendum to the Scoped EIS was prepared dated December 1, 2023 to address the concurrent Zoning By-law Amendment and Draft Plan of Subdivision submitted December 14, 2023. The Scoped EIS and addendum to

address the Draft Plan of Subdivision that was submitted on December 14, 2023 is included with these Applications.

The Constraints Analysis and Scoped EIS was required for the Subject Lands due to the occurrence of a watercourse segment, including its designation as fish habitat that requires a buffer/setback and to also confirm whether there was a potential wetland on its banks. The investigation confirmed the absence of wetland and that a 10 metre watercourse buffer will be more than sufficient to protect the quality and function of the feature in consideration of the absence of fish, its intermittent flow regime, and its diminutive channel dimensions.

Of note, the mixed meadow riparian area adjacent to the watercourse, particularly along its southern bank, includes many exotic weed species, the most noxious of which is the numerous Wild Parsnip, which is a hazard to people and not particularly beneficial to wildlife.

It has been recommended that the buffer be enhanced via introduction of a greater number and diversity of native trees, shrubs, and herbaceous plants, and that mechanical and/or chemical measures be employed to suppress the occurrence and abundance of the Wild Parsnip and to mechanically remove specimens of Buckthorn and Honeysuckle in favour of native species.

The Scoped EIS and Constraints analysis considered the Preliminary General Plan of Services, Preliminary Grading Plan (S. Llewellyn & Associates, November 2023), and the Functional Servicing Report submitted with the submitted December 14, 2023 Applications. The Scoped EIS and Constraints analysis have not been updated as the 10 metre water course buffer would be maintained.

Since the December 14, 2023 submission, a trail has been proposed on Block 37 of the Draft Plan, adjacent to the Environmental Conservation Block, i.e. Block 1. The trail may cross the watercourse upon development of the Subject Lands. A confirmation email has been received from Barry Myler dated March 19, 2024, that there are no concerns with the trail crossing of the watercourse on Block 1 or with portions of the trail being within and adjacent to the watercourse and its buffer.

#### 4.7 Functional Servicing Report

A Functional Servicing Report (FSR) was prepared regarding the Applications dated November 2023 and subsequently revised in September 2024. The following are proposed approaches to servicing the Subject Lands:

- Stormwater drainage within the subject lands will be serviced by a storm sewer system which will convey the 5-year storm event (minor system) to the neighboring subdivision to the east. Major storm events (>10-Year) will convey through the road network towards the proposed SWM Facility located at 6063 Regional Road 20.
- There are no municipal sanitary sewers fronting the Subject Lands. The closest sanitary sewer network to the proposed development is located at the intersection

of Regional Road 20 and Industrial Park Road. A sanitary sewer extension along Regional Road 20 is proposed to service the proposed development. According to the Niagara Region's Wastewater Master Servicing Plan, the Smithville Sanitary Pumping Station has existing capacity concerns under both design allowance peak wet weather flow and during a 5-year storm event. The pumping station is expected to be upgraded within the years 2025 – 2027. The FSR identifies two approaches to address sanitary capacity constraints should the upgrades to the Smithville Sanitary Pumping Station not occur at the time of development:

- completion of an Inflow and infiltration Study to identify segments of the trunk sewer that can be replaced to increase resilience to wet weather flows; or
  - implementation of a phased approach to development until upgrades to the Pumping station.
- There are no municipal watermains fronting the Subject Lands. The closest watermain network to the proposed development is located at the intersection of Regional Road 20 and Industrial Park Road. The proposed watermain network follow the preferred strategies and recommendations presented in the Smithville Master Community Plan.
  - It is anticipated that Owner will be expected to enter into a cost-sharing agreement with neighboring landowners to facilitate the infrastructure upgrades required to service the East Smithville Secondary Plan and Urban Boundary Expansion. Such cost-sharing agreement is anticipated to be required as a condition of approval.

#### 4.8 Parking Plan and Parking Study

A Parking Plan has been prepared by NPG and dated August 20, 2024, showing up to 35 informal on-street parking spaces. These spaces are anticipated minimize any potential impacts from the requested off-street parking relief, necessary to accommodate densities required as part of the ESSP for the proposed development. On-street parking is also provided to accommodate guests and visitors to the park.

Of note, the proposed development will accommodate the required number of parking spaces for all single-detached, semi-detached and townhouse dwelling units as per the Township Zoning By-law. Relief is not required with respect to parking for Block 2 being the Business Park Block. Parking relief is also not required for the retirement home on Block 30.

Section 3.12.6 d) vii. of the Township Zoning By-law provides that “private residential garages for single detached, semi-detached and townhouse must be a minimum of 3.5 metres wide by 6 metres long (measured from interior walls) unobstructed in order to be counted as a required parking space.” While the proposed single-detached, semi-detached and townhouse dwellings can accommodate these minimum parking space widths, from an overall design perspective, due to the narrow widths of the lots it is desirable to reduce the widths of such parking spaces in order to minimize the aesthetic impact of garages and parking on the overall streetscape. For this reason, relief is

requested to permit a minimum parking spaces width of 3.3 metres. Justification for this relief is provided in Section 6 of this Report.

Parking relief is required for Block 31 being the mixed use block. Block 31 consists of 152 apartment dwelling units and 756 m<sup>2</sup> of commercial GLFA. The planned development of Block 31 would necessitate between 303.3 and 316.5 parking spaces, depending on the specific uses proposed for the commercial uses under the current requirement of the Township's Zoning By-law 2017-70. The architectural plans prepared by Raimondo + Associates Architects Inc. (Appendix A1) provides 224 parking spaces for the proposed mixed-use development. Paradigm Transportation Solutions Limited prepared a Parking Study to address the parking deficiency. The Parking Study (dated September 2024) had confirmed that the provision of 190 apartment parking spaces (1.25 spaces per unit ratio), 25 commercial parking spaces (1 space per 30 m<sup>2</sup>) and 9 barrier-free parking spaces would be sufficient to meet parking demand. The Parking Study also recommended the provision of 30 bicycle parking spaces on site for the residential and commercial uses.

## 5.0 Planning Policies and Legislation

This PJR provides a thorough analysis of the proposed development and evaluates the appropriateness of advancing an Applications for ZBA and Plan of Subdivision in the context of the *Planning Act*, the Provincial Policy Statement (PPS), the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), the Niagara Official Plan (Niagara OP) and the Township Official Plan (Township OP). The following provides an overview and thorough analysis of these documents in the context of the proposed development:

### 5.1 Planning Act, R.S.O. 1990, c. P.13

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. These are analyzed in **Table 4 - Matters of Provincial Interest**, below:

#### Table 4: Matters of Provincial Interest

Matter of Provincial Interest	Analysis
(a) the protection of ecological systems, including natural areas, features and functions	The proposed development has been designed in accordance with recommendations of the Constraints Analysis and Scoped EIS. A public trail has been proposed adjacent to and is anticipated to transect the Environmental Conservation Block. A confirmation email has been received from Barry Myler dated March 19, 2024, that there are no concerns with the trail crossing of the watercourse on Block 1 or with portions of the trail being within and adjacent to the watercourse and its buffer.
(b) the protection of the agricultural resources of the Province	The Subject Lands are within an Urban Area Boundary. Facilitating development at appropriate densities in the Urban Area Boundary reduces pressure to urbanize agricultural areas.
(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest	Stage 1 and Stage 2 Archaeological Assessments prepared by ASI Heritage documented two (2) Early Archaic Indigenous site (AgGv-148 and AgGv-149). Stage 3 Archaeological Assessments will be required in accordance with Ministry Standards. Planning approvals will need to ensure that archaeological sites do not occur until the appropriate archaeological field work and reporting occur with the Province.

Matter of Provincial Interest	Analysis
(e) the supply, efficient use and conservation of energy and water	<p>The proposed compact built form and efficient use of land as shown on the Draft Plan of Subdivision is considered an energy efficient form of development. Compact built forms proposed support energy efficiency as many units feature shared walls that limit heat loss or cooling costs. Further with buildings and services located closer together, the per capita investment and maintenance costs of infrastructure can be reduced.</p>
(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems	<p>Stormwater management and servicing has been considered within the FSR prepared by S. Llewellyn &amp; Associates Limited dated November 2023. This study has regard for several policies, plans and studies prepared by the Provincial, Region and Township. The approach to site servicing is described in Section 4.6 of this PJR.</p>
(h) the orderly development of safe and healthy communities	<p>The orderly development of a safe and healthy community was considered as part of the preparation of the ESSP. The Applications intend to achieve this vision. Section 1.0 of the PPS includes policies regarding building strong healthy communities. As described in Section 5.2 of this PJR, the Applications are consistent with the PPS.</p>

Matter of Provincial Interest	Analysis
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies	The Township of West Lincoln is a Joint Accessibility Advisory Committee (JAAC) representative. The JAAC comments on Planning Applications with consideration to identifying and removing barriers to people with disabilities, promoting equal opportunities to our citizens of all abilities. The Applications are anticipated to be circulated to the JAAC for review and comment. Future Site Plan Applications will need to comply with <i>O. Reg. 191/11: Integrated Accessibility Standards</i> under the <i>Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11</i> .
(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities	The Draft Plan of Subdivision identifies 0.63 hectares for a future neighbourhood park, central to the ESSP area. Only 0.3 hectares of the proposed parkland is required in accordance with the <i>Planning Act</i> . The parkland in excess would count towards the parkland requirement of the proposed development to the east. The Owner of the Subject Lands and the adjacent lands to the east will work collaboratively to proportion the parkland dedication and ensure the proposed parkland is dedicated free and clear to the Township.
(j) the adequate provision of a full range of housing, including affordable housing	The Applications would facilitate a full range of housing including the provision of single-detached, semi-detached, street townhouse, retirement home, and apartment dwelling units.
(k) the adequate provision of employment opportunities	A range of employment uses would be accommodated primarily in the Business Park area (Block 2) and within the apartment block (Block 31). Different zones are proposed for the two (2) blocks providing a diversity of employment opportunities in the development.



Matter of Provincial Interest	Analysis
(l) the protection of the financial and economic well-being of the Province and its municipalities	The efficient use of lands and compact built form allows for the efficient use of municipal water and sewage services and infrastructure, increasing cost efficiencies related to maintenance.
(o) the protection of public health and safety	The proposed development is not impacted by any flood hazards. A Noise Feasibility Study and Land Use Compatibility Study has been prepared by HGC Engineering. The studies provide that sound emissions of the commercial/industrial land uses will comply with the MECP guideline limits at the future residential locations. The air/noise environmental footprint from the industrial uses indicated are minor. Furthermore, any future uses would need to comply with Section 3.13 of the Zoning By-law which prohibits obnoxious uses throughout the Township.
(p) the appropriate location of growth and development	The ESSP has identified the Subject Lands as a location in which growth and development is intended to be accommodated.
(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians	<p>There are no fixed transit routes in Smithville. The Township of West Lincoln is serviced by on-demand transit. On-demand transit is a shared-ride public transit service without a fixed schedule or route. Should the Township choose to revert to traditional transit, it is anticipated that such transit would be focused on Regional Roads. The Applications focus densities along St. Catharines Street (Regional Road 20), creating demand at an appropriate location where future transit may be accommodated.</p> <p>The proposed mix of uses and densities facilitates pedestrian mobility.</p>

Matter of Provincial Interest	Analysis
<p>(r) the promotion of built form that,</p> <ul style="list-style-type: none"> <li>(i) is well-designed,</li> <li>(ii) encourages a sense of place, and</li> <li>(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;</li> </ul>	<p>As per the analysis included in the Urban Design Brief, this criterion is met.</p> <p>To summarize, the proposed development facilitates placemaking via the proposed 8 storey mixed-use building due to it having frontage on St. Catharines Street and Street “A” and it functioning as a landmark within the easterly community gateway node into Smithville. During the detailed design stage elements to enhance the public realm will be used to add to the visual identity of the gateway, including: public art and appealing landscaping treatment.</p> <p>Public spaces in the proposed development include the parkland on Block 3 and the public trail on Block 37. The proposed parkland abuts three (3) public roads with great visibility and accessibility. During the detailed design of the park, there is an opportunity to provide a combination of active and passive recreational uses thereon to ensure its attractiveness and vibrancy. The proposed public trail will connect with a future trail located on the adjacent lands to the east of the Subject Lands. This will augment the accessibility of the overall recreational trail network within the surrounding areas.</p>
<p>(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.</p>	<p>The compact built form and mix of land uses is anticipated to reduce automobile dependence, and consequently the necessity to consume fossil fuels.</p>

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with policy statements and shall conform with provincial plans that are in effect.

Subsection 14.7(3) of the *Planning Act* requires a municipality to prepare and adopt an official plan.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect. Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

Section 51(16) of the *Planning Act* provides that an owner of land or the owner’s agent duly authorized in writing may apply to the approval authority for approval of a plan of subdivision of the land or part of it. Section 51(24) of the *Planning Act*, as per **Table 5**, provides that the following are required to be considered:

**Table 5: Analysis of Considerations for Draft Plan of Subdivision**

Plan of Subdivision Considerations	Analysis
the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality	The Applications are anticipated to contribute to the development of 329 dwelling units including 104 retirement units in Smithville through compact built-form and a range of housing types, necessary to support a diverse range of present and future residents. Many of the matters regarding accessibility for persons with disabilities will be considered as part of future building permits applications and site plan applications which are required to comply with the <i>Accessibility for Ontarians with Disabilities Act</i> .
a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2	These matters have been addressed in Table 1: Matters of Provincial Interest, above.
b) whether the proposed subdivision is premature or in the public interest	The draft Plan of Subdivision has been planned in accordance with phasing policies as per Section 6.11.5.5 of the ESSP. Of note, while it is the goal of the ESSP that lands be development incrementally from West to East, alternate phasing is permitted subject to any road connection to St. Catharines Street being provided to the satisfaction of the Township of West Lincoln and the Region of Niagara and the extension of services being consistent with the servicing strategy identified in Section 7.0. Street A would connect to St. Catharines Street and

Plan of Subdivision Considerations	Analysis
	an FSR has been prepared with consideration to the ESSP servicing strategy.
c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any	<p>The Plan of Subdivision conforms with the ESSP. The lands to the east of the Subject Lands are proposed to be developed through Plan of Subdivision. The street layout and site servicing have been coordinated between both the Subject Lands and the adjacent lands to the east.</p> <p>Please see Section 5.5.12 for further analysis of the East Smithville Secondary Plan.</p>
d) the suitability of the land for the purposes for which it is to be subdivided	The proposed uses have been contemplated as part of the ESSP. The proposed uses conform with the ESSP.
d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing	Affordable housing units are not proposed.
e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them	There are relatively minor changes in grades and elevations throughout the Subject Lands with a slight rise to the northeast corner. Grading plans will be required to ensure that roads proposed within the Subdivision are appropriately linked to St. Catharines Street.
f) the dimensions and shapes of the proposed lots	Blocks and lots are appropriately sized to accommodate the range of uses proposed. Conceptual siting of buildings and structures is shown on the Concept Plan.
g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land	There are no easements registered for the Subject Lands with the Land Registry Office.

Plan of Subdivision Considerations	Analysis
h) conservation of natural resources and flood control	The Environmental Conservation Block (Block 1) includes the water course and a 10 metre buffer, consistent with the recommendations of the Myler Ecological Consulting Constraint Analysis and Scoped EIS.
i) the adequacy of utilities and municipal services	This matter is discussed in the FSR. Extensions of municipal services, upgrades to the Smithville Sanitary Pumping Station and the construction of a Stormwater Management Facility on the adjacent lands to the east will be required to service the proposed development.
j) the adequacy of school sites	<p>Smithville Public School, being an elementary school, is located approximately 1 kilometre west of the Subject Lands on the northwest corner of Canborough Street and Colver Street. There are no public secondary schools located in proximity to the Subject Lands. Smithville Christian High School offers private education for students in grades 9-12.</p> <p>The Subject Lands are within the Urban Area Boundary of Smithville. The proposed development would contribute to future enrollment to ensure the sustainability of existing schools.</p>
k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes	Parkland is proposed to be dedicated in a location planned as part of the ESSP. The amount of land requested exceeds that permitted to be acquired through dedication under the <i>Planning Act</i> . The parkland in excess would count towards the parkland requirement of the proposed development to the east. The Owner of the Subject Lands and the adjacent lands to the east will work collaboratively to proportion the parkland dedication and ensure the proposed parkland is dedicated free and clear to the Township.

Plan of Subdivision Considerations	Analysis
l) the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy	The proposed development would connect to available energy supply systems. The compact built-form is considered to be an energy efficient type of development.
m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated	Conceptual plans for the proposed development on Block 2 is shown in Appendix A while the proposed developments on Blocks 30 and 31 are shown in Appendix A1. It is anticipated that the developments on Blocks 2, 30 and 32 will be subject to Site Plan Control.

**SUMMARY AND CONCLUSION**

In summary, the proposed development and implementing applications have regard for matters of public interest and considerations for Plan of Subdivision in the *Planning Act* for the reasons noted above.

Consistency and conformity with Provincial, Regional and Township policies are discussed in-depth in the subsequent sections of this report. Subject to the analysis provided in the following sections of this report, the Application is considered to comply with the provisions of the *Planning Act*.

**5.2 Provincial Planning Statement (2024)**

The Provincial Planning Statement (2024), hereinafter referred to as PPS, is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents. The PPS will come into effect October 20, 2024.

In anticipation that decisions concerning the proposed Applications will be made after the PPS comes into effect, this PJR will discuss the proposed development’s consistency with this policy statement.

The Subject Lands are within a Settlement Area as per the policies of the PPS. In this regard, the following applies:

**5.2.1 Planning for People and Homes**

**POLICY**

2.1.6 *Planning authorities should support the achievement of complete communities by:*

*a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*

*b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*

*c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

Complete Communities is defined as follows:

*Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, public service facilities, local stores and services. Complete communities are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations.*

## **ANALYSIS**

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The Applications are consistent with the policies noted above as they facilitate an appropriate mix of land uses that consist of employment, commercial, parks as well as a wide range of housing options. In addition, the proposed development also includes a retirement home that provides senior with a housing choice in proximity to commercial uses, recreational options and a wide range of other housing typologies. This supports ageing in place, improves seniors' accessibility to services and facilities and improves their overall quality of life.

### **5.2.2 Housing**

The PPS provides the following policies with respect to housing:

## **POLICY**

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2.2.1 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*

*b) permitting and facilitating:*

*1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including*

*additional needs housing and needs arising from demographic changes and employment opportunities;*

*c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and*

*d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.*

## **ANALYSIS**

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The 2021 Census of Population by Statistics Canada indicates that by far single-detached dwellings are the predominant housing form in the Township of West Lincoln accounting for 4,430 dwelling units, with the remaining housing types accounting for 865 dwelling units. The Applications would increase the range of housing options by permitting semi-detached, street townhouse, retirement home and apartment dwelling units at appropriate densities necessary to ensure the efficient use of the Subject Lands as well as infrastructure and public service facilities as contemplated within the ESSP.

Conformity with the ESSP is discussed in Section 5.4.12 of this PJR. Subject to meeting the policies of the ESSP, the Applications are consistent with Section 2.2 of the PPS.

### **5.2.3 General Policies for Settlement Areas**

The PPS provides the following with respect to settlement areas:

## **POLICY**

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*2.3.1.1 Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*

*2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which:*

*a) efficiently use land and resources;*

*b) optimize existing and planned infrastructure and public service facilities;*

*c) support active transportation;*

*d) are transit-supportive, as appropriate; and*

*e) are freight-supportive.*

*2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*



## **ANALYSIS**

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The Applications are consistent with the policies noted above and would facilitate growth and development in a settlement area, in accordance with the detailed policies provided for in the ESSP. The Applications provide for appropriate land uses and development patterns that efficiently optimize land and resources, provide for an appropriate mix of densities and uses on the Subject Lands and support the achievement of complete communities. The proposal will also facilitate the creation of a wide variety of housing options, including higher-density residential types along St. Catharines Street and housing for older persons. This is anticipated to encourage more residents to make use of the existing active transportation infrastructure (bike lanes) along this Regional Road.

### **5.2.4 Employment & Land Use Compatibility**

The lands along the northern boundary of the Subject Lands, abutting the Canadian Pacific Railway Lands, designated as Business Park in the ESSP are considered to be a local Employment Lands. The Subject Lands are also within 300 metres to an Employment Area to the north of the CP Railway. Policies related to employment are outlined below.

The PPS also provides policies with respect to major facilities which may require separation from sensitive land uses. The PPS defines major facilities as “facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.”

## **POLICY**

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*2.8.1.1 Planning authorities shall promote economic development and competitiveness by:*

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and*

*e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.*

*2.8.1.3. In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.*

*3.5.1. Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

*3.5.2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.*

## **ANALYSIS**

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Overall, the proposed development would facilitate employment, and a broader mix of uses to meet long term needs of the ESSP area. Employment uses would primarily be accommodated in the Business Park and Mixed Use area. However, residential lands are also anticipated to accommodate employment uses within the mixed-use areas of the Subject Lands.

The lands designated Business Park are in proximity to sensitive residential and parkland uses to the south and employment areas that are located to the north of the Canadian Pacific Railway Lands. This separation will ensure the protection of the Employment Area by maintaining land use compatibility. In this regard, the Business Park is intended to act as a transition to mitigate anticipated impacts between the Employment Area to the north, and sensitive uses to the south. Block 2 shown on the Concept Plan, being the Business Park is proposed to be zoned Office and Business Park Employment site-specific (M1-###) Zone” The range of uses proposed with these Applications, as discussed in Section 6.0 of this PJR, have been determined based on being compatible with residential uses to the south and their ability to serve employment needs of the community. This list of uses would provide for an appropriate interface between employment areas and residential areas and minimize and mitigate adverse potential impacts on industrial, manufacturing or other uses to the north that may be vulnerable to encroachment. Block 31, along St. Catharines Street is proposed to accommodate an 8-storey mixed use

apartment building with ground floor commercial uses which would also accommodate employment on the Subject Lands.

For these reasons, the Applications are consistent with the Employment policies contained within Section 2.8 of the PPS.

The proposed uses have been determined to be necessary through the preparation of the ESSP. Impacts are primarily associated with the roadways and CP railway and are discussed in the Noise Feasibility Study and Land Use Compatibility Study included with the Applications and summarized in Section 4.0 of this PJR. Provided that appropriate mitigation measures (including the use of warning clauses, the provision of air conditioning, the use of brick or other masonry for exterior wall construction, etc. ) are put in place as described in the Noise Feasibility Study, the Applications are consistent with the Land Use Compatibility policies of the PPS.

### 5.2.5 Public Spaces, Recreation, Parks, Trails and Open Space

Section 3.9 of the PPS provides as following with respect to Public Spaces, Recreation, Parks, Trails and Open Spaces:

#### **POLICY**

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*3.9.1 Healthy, active, and inclusive communities should be promoted by:...*

*b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources...*

#### **ANALYSIS**

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The Subject Lands are centrally located within the ESSP Area. Through the development of the ESSP it was determined that a central park is a key component of the ESSP, and that the park designation be developed in a manner consistent with the Neighbourhood Parks and Playgrounds policies in Section 9 of the Township OP. Of note, Section 6.11.5.2(f)(iii) of the ESSP provides that “the amount and type of parkland within the community shall be consistent with the policies contained within Section 9 of the Township OP and will be determined through the draft plan of subdivision process.” In addition to the parkland, the proposed development will also provide a public trail that is linked with the proposed trail system on lands immediately to the east of the Subject Lands.

The provision of parkland (Block 3) implements Policy 3.9.1 (b) of the PPS. Through the review of the Applications, the Township will need to confirm that the parkland block is adequate. The amount of land proposed to be zoned for parkland use exceeds that which is permitted to be acquired as per Section 51.1(1) of the *Planning Act*. The parkland in excess would count towards the parkland requirement of the proposed development to

the east. The Owner of the Subject Lands and the adjacent lands to the east will work collaboratively to proportion the parkland dedication and ensure the proposed parkland is dedicated free and clear to the Township.

### 5.2.6 Natural Heritage

Section 2.1 of the PPS provides as follows regarding fish habitat:

#### **POLICY**

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*4.1.1 Natural features and areas shall be protected for the long term.*

*4.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*

*2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

#### **ANALYSIS**

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Pre-consultation notes indicate that a 15 m buffer from the watercourse is recommended in the ESSP. If this buffer is provided, no studies will be required. As the proposed development is 10 metres from the Fish Habitat, a scoped EIS is required. The Constraints Analysis and Scoped EIS prepared by Myler Ecological Consulting confirmed that a 10-metre watercourse buffer will be more than sufficient to protect the quality and function of the feature in consideration of the absence of fish, its intermittent flow regime, and its diminutive channel dimensions. Block 1 included in the Draft Plan of Subdivision includes the watercourse and its required buffer.

### 5.2.7 Cultural Heritage and Archaeology

Section 4.6 of the PPS policies regarding cultural heritage and archaeology, with the following being applicable:

#### **POLICY**

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*4.6.2 Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

#### **ANALYSIS**

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Based on the Ministry's Criteria for Evaluating Archaeological Potential, the property is within 300 metres of 3 registered archaeological sites (AgGv-145- Location 1, AgGv-145, AgGV-54 Riverview Estates) (southwest) and several natural watercourse features (Lower Twenty Mile Creek Wetland Complex, Twenty Mile Creek), These factors triggered the requirement for an archaeological assessment. Stage 1 and Stage 2

Archaeological Assessments were prepared by ASI Heritage, dated November 12, 2021, and September 8, 2022, respectively. The Stage 2 Archaeological Assessment documented two Early Archaic Indigenous sites (AgGv-148 and AgGv-149). Stage 3 and Stage 4 Archaeological Assessments have been conducted and it was concluded that the sites no longer retain further cultural heritage value or interest and no further archaeological mitigation is required.

### 5.2.8 Summary of PPS

Based on the foregoing analysis, the Applications are consistent with the policies of the PPS.

### 5.3 Niagara Official Plan (2022)

The Niagara Official Plan (Niagara OP) is Regional Municipality of Niagara’s long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of this Plan will guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.

Table 6 below, identifies the designation contained within the Niagara OP Schedules pertaining to the Subject Lands:

**Table 6 – Niagara OP Schedules and Designations of Subject Lands**

Schedule	Subject Lands
Schedule B – Regional Structure	Designated Greenfield Area
Schedule G – Employment Areas	Adjacent to Core Employment Area (WL-1)
Schedule J1 – Transportation Infrastructure	St. Catharines Street is a Regional Road (RR 20)
Schedule J2 – Strategic Cycling Network	St. Catharines Street is part of the Strategic Cycling Network
Schedule K – Areas of Archaeological Potential	Area of Archaeological Potential

Land use designations are included in **Appendix C** to this PJR.

The following policies apply:

#### 5.3.1 Managing Urban Growth

Section 2.2.1 of the Niagara OP provides policy direction regarding managing urban growth within the Region. The following policies apply:

#### **POLICY**

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

a) *the intensification targets in Table 2-2 and density targets outlined in this Plan;*

b) *a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*

c) *a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs;*

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

*iv. the public realm, including open spaces, parks, trails, and other recreational facilities;*

e) *built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*

f) *opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;*

k) *orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*

l) *mitigation and adaptation to the impacts of climate change by:...*

*iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

## **ANALYSIS**

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The Applications meet all the above objectives of the Niagara OP. The Applications would facilitate compact built form, through the provision of a mix of employment and residential land uses, including a range of housing types, with appropriate parkland to support such uses. Compact built form is also achieved through the provision of appropriate densities. The proposed mix of uses and densities conforms with the East Smithville Secondary Plan.

This compact built form and mix of land uses conforms with the objective of mitigating the impacts of climate change by reducing automobile dependence and reducing costs of municipal water and wastewater infrastructure. New developments along the Regional Road not only optimizes investment in the current bike lane infrastructure but also contributes to the establishment of appropriate densities to support future transit services.

Should the Township revert to traditional transit in the future, it is anticipated that transit routes would be focused on Regional Roads.

### 5.3.2 Strategic Intensification and Higher Densities

Section 2.2.2 of the Niagara OP includes policies regarding settlement area boundaries, built-up areas, strategic growth areas, and designated greenfield areas. As the Subject Lands are within a greenfield area, the following policies apply:

#### **POLICY**

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*2.2.2.23 Designated greenfield areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.*

*2.2.2.24 Local official plans are required to achieve the minimum greenfield density target in Policy 2.2.2.23 across the entire municipality, and are encouraged to exceed this minimum.*

*2.2.2.25 Designated greenfield areas will be planned as complete communities by:*

- a) ensuring that development is sequential, orderly and contiguous with existing built-up areas;*
- b) utilizing proactive planning tools in Section 6.1 and Section 6.2 as appropriate;*
- c) ensuring infrastructure capacity is available; and*
- d) supporting active transportation and encouraging the integration and sustained viability of public transit service.*

#### **ANALYSIS**

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The Applications would facilitate a complete community including a mix of uses employment uses and housing types with an estimated density of 87.7 residents and jobs per hectare, more than the minimum density target established within the Niagara OP.

As indicated, the Applications focus higher densities along a Regional Road and the Region's Strategic Cycling Network. Focusing higher densities in proximity to Regional Roads and bicycle routes provides the necessary demand to ensure the long term viability of cycling infrastructure, and also creates demand to establish future public transit services that may be accommodated.

For these reasons, the Applications conform with the strategic intensification and higher densities policies of the Niagara OP.

### 5.3.3 Housing

Section 2.3.1 of the Niagara OP provides policy direction regarding housing within the Region. The following policies apply:

## POLICY

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*2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.*

*2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:*

*a) facilitating compact built form...*

## ANALYSIS

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The Applications would facilitate a mix of housing types and compact built form by permitting primarily semi-detached, street townhouse, retirement home and apartment dwelling units in a Township where single-detached dwellings considerably prevail. The provision of a range of housing options within the Township supports livability for residents at all stages of life and income levels. As residents age, they may consider changing their living situation, having a variety of housing types allows residents to stay within the Township despite downsizing or upsizing. The proposed residential uses would be within a walkable distance to range of uses commercial, employment and park uses. This walkable design would mitigate the impacts of climate change by encouraging active modes of transportation and reducing automobile dependence.

### 5.3.4 The Natural Environment System

Section 3.1.30.3.1 of the Niagara OP provides that “where a formal pre-consultation meeting has been completed within one year prior to the approval of this Plan, and where the requirements for an environmental impact study or similar study has been established through a signed pre-consultation agreement that has not expired, the environmental impact study may be completed and evaluated in accordance with the Local, Regional, and Provincial policies that existed at the time pre-consultation meeting was completed, provided a complete application is submitted within 2 years of the approval of this plan.”

In this regard, the Regional Official Plan (2014 Office Consolidation) policies apply:

## POLICY

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*Policy 7.B.1.15 Within Fish Habitat as identified on Schedule C, or adjacent lands as specified in Table 7-1, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its designate. The proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Department of Fisheries and Oceans, or its designate, in accordance with Policies 7.B.2.1 to 7.B.2.5.*



*First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by that Ministry. A narrower buffer may be considered where the EIS has demonstrated that it will not harm fish or fish habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres.*

## **ANALYSIS**

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The Concept Plan and Draft Plan both provide a 10-metre buffer from the watercourse as confirmed to be appropriate in the Myler Ecological Consulting Constraints Analysis and Scoped EIS.

### **5.3.5 Employment Lands**

The Subject Lands are adjacent to Core Employment Area (WL-1). The proposed Business Park along the north of the Subject Lands are Employment Lands outside of an Employment Area. In this regard the following policies apply:

## **POLICY**

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*4.2.4.2 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with Provincial guidelines, standards and Procedures.*

*4.2.4.3 Where avoidance is not possible in accordance with Policy 4.2.4.2, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with Provincial guidelines, standards and procedures:*

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

*4.2.4.4 Within employment lands, retail and office uses will be directed to locations that support active transportation and have existing or planned transit.*

*4.2.4.5 The retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities.*

*4.2.4.8 Employment lands planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment lands in accordance with Section 6.2.*

## **ANALYSIS**

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Policies 4.2.4.2, 4.2.4.3 and 4.2.4.8 are similar to Employment policies contained within the PPS and described in Section 5.2.4 of this PJR. The proposed Business Park would provide an appropriate transition between the Employment Area to the north, and sensitive uses to the south to ensure the protection of the Employment Area by maintaining land use compatibility.

St Catharines Street is designated as a Regional Road (RR 20) and is part of the Niagara Region Strategic Cycling Network. Presently, West Lincoln does not have any public transit systems, however it is anticipated if transit systems are developed in the future, routes would be located along Regional Roads arterial roads due to their traffic bearing capacity. The Applications propose a mix of employment and commercial at the north of the Subject Lands and ground floor commercial uses within the mixed-use building at the south of the Subject Lands. The business park buildings have been strategically located near the rail corridor to serve as a buffer to sensitive land uses while the residential uses have been located close to St. Catharines Street to support the retail uses due to the highly trafficked nature of the Regional Road. Providing a mix of the above noted uses supports complete communities by providing residents with live-work opportunities across the entire development.

The Applications conform to the balance of the policies by facilitating compact built form and complete communities through the provision of a mix of compatible commercial and employment uses within walkable distance to residential uses and active transportation infrastructure including cycling facilities and sidewalks.

### **5.3.6 Transportation Policies**

The Niagara OP provides as follows regarding its transportation system:

## **POLICY**

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*5.1.5.6 Where new development for a sensitive land use is adjacent to a Regional Road, the Region will consider the need for a noise study or noise control measures to address traffic noise as per Provincial guidelines.*

## **ANALYSIS**

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There are no new planned corridors adjacent to the Subject Lands. March 17, 2022 pre-consultation notes do not indicate any concern regarding impacts on St. Catharines Street (RR 20). The Noise Feasibility Study prepared by HGC Engineering predicts that the future traffic sound levels will exceed MECP guidelines at the proposed residences with exposure to St. Catharines Street (RR 20). Mitigation measures and an updated Noise Feasibility Study will be required as described in Section 4.0 of this PJR. These mitigation measures will need to be implemented through Conditions of Approval for a future Draft Plan of Subdivision.

Provided that the recommendations of Noise Feasibility Study are appropriately implemented, the Applications are considered to conform with the Transportation policies of the Niagara OP.

### **5.3.7 Municipal Water and Wastewater Servicing within Urban Areas**

Section 5.2.2 of the Niagara OP provides policies regarding municipal water and wastewater servicing within urban areas. The following apply:

## **POLICY**

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*5.2.2.2 Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.*

*5.2.2.4 Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.*

## **ANALYSIS**

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The proposed development would require the extension of municipal water and sanitary services. Full development of the Subject Lands will also require upgrades to the Smithville Sanitary Pumping Station or the completion of an Inflow and infiltration Study to identify segments of the trunk sewer that can be replaced to increase resilience to wet weather flows. Provided that these matters are appropriately addressed through the conditions of approval, the Applications conform with the Niagara OP.

### **5.3.8 Archaeology Policies**

Section 6.4.2 of the NOP provides policies regarding Archaeology that apply with respect to the Application:

## **POLICY**

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*6.4.2.1 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.*

*6.4.2.5 Unexcavated archaeological sites and archaeological resources shall be protected against disturbance until all required archaeological assessments and requirements from the Province have been completed.*

*6.4.2.6 Where a site proposed for development is located within an area of archaeological potential, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a development application falls within an area of archaeological potential as identified on Schedule K and will be addressed as early as possible in the planning process. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.*

*6.4.2.7 When an archaeological assessment is required, the assessment will follow the applicable guidelines and processes as dictated by the Province, such as the Standards and Guidelines for Consultant Archaeologists, and an acknowledgement letter from the Province verifying this shall be required prior to final to any final approvals.*

## **ANALYSIS**

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Stage 1, 2, 3 and 4 archaeological assessment has been conducted for the Subject Lands. It is concluded that the site retains no further cultural heritage value or interest and no further archaeological mitigation is required. Therefore, the Applications conform with the above policies of the Niagara OP.

### **5.3.9 Summary of the Niagara Official Plan**

Based on the foregoing analysis, the Applications conform with the policies of the Niagara OP.

### **5.4 Township of West Lincoln Official Plan (November 2019 Office Consolidation)**

The purpose of the Township OP is to provide detailed development and land use policies for the Township of West Lincoln and to direct and guide development where it will best contribute to the long-term social, economic and environmental stability of the Township. The OP includes a statement of goals, objectives and policies established to manage and direct physical (land use) change and the effects on the social, economic and natural environment of the municipality within a prescribed time frame.

**Table 7 – Township Official Plan Schedules and Designations of Subject Lands**, below identifies the designations contained within the Township OP Schedules pertaining to the Subject Lands:

**Table 7 – Township Official Plan Schedules and Designations of Subject Lands**

Schedule	Subject Lands
Schedule A – Municipal Structure	Smithville Urban Boundary
Schedule B-5 – Urban Structure Smithville	Greenfield
Schedule C-1 & C-4 – Natural Heritage System	Impacted by Fish Habitat (northwest corner)
Schedule C-5 – Aggregate and Petroleum Resources	Potential Aggregate Resources
Schedule F – Infrastructure & Transportation	Located Along Arterial Road (RR 20)

In addition to the Land Use Designations shown above, the Subject Lands are located within the ESSP Area. As per Schedule A of the ESSP, a mix of designations apply to the Subject Lands including Business Park, Low Density Residential, Park, Medium Density Residential, and Mixed Use.

Township OP and ESSP designations are shown on **Appendix D** to this report.

#### 5.4.1 Goals of the Official Plan

Section 2.4 of the Township OP identifies goals that form the basis for the policies of the Plan, with the most relevant goals being as follows:

#### **POLICY**

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*(g) To accommodate the majority of residential growth of the Township in Smithville in well-planned, residential areas with sufficient housing types and tenures to meet population forecasts; and to promote the efficient use of land and services to meet population growth.*

*(j) To encourage more diversified employment opportunities for residents of the Township through the promotion new and expanding industrial uses, commercial businesses and institutional uses.*

*(n) To ensure the provision of adequate parkland, trails, open space and other indoor and outdoor recreational facilities to meet the need of residents of the Township throughout the plan period of this Official Plan.*

*(r) To ensure that water supply, sewage services, emergency services, and transportation services are planned and developed in accordance with long term planning and growth management objectives.*

#### **ANALYSIS**

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The Applications work towards implementation of the above goals by permitting a diverse range and mix of residential and employment uses, including the provision of parkland space to support residents within the ESSP area. These uses are proposed at an appropriate density that conforms with the intent of achieving the efficient use of land.

### 5.4.2 Healthy Communities

Section 3.5 of the Township OP provides objectives and policies for healthy communities. These objectives are general and focus on ensuring that planning decisions protect the health and well-being of their residents. Of note are as follows:

#### **POLICY**

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*Objective 3.5.1 i) Create complete neighbourhoods that include mixed densities and affordable housing options for people of all ages and socioeconomic status.*

*Objective 3.5.1 j) Provide public spaces, parks and greenspaces where residents can meet, connect and congregate for social interaction.*

*Policy 3.5.2 b) A compact urban form shall be developed that incorporates mixed land uses and promotes active transportation.*

#### **ANALYSIS**

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The Applications would facilitate the creation of complete neighbourhoods and compact urban form by facilitating a mix of housing options such as apartment dwelling, retirement home, street townhouse and semi-detached dwellings, that support people of all ages and socioeconomic status. Additionally, public spaces in the form of park and trail provide a place for residents to meet and congregate for social interaction. Focusing higher densities along the northside of St. Catharines Street, as proposed, promotes use of active transportation options such as bike lanes that are available.

### 5.4.3 Growth Management Strategy

Section 5.0 of the Township OP contains a Growth Management Strategy. The Growth Management strategy includes objectives and policies. The Subject Lands are considered to be within an Urban Settlement Area and more specifically within a Greenfield Area. The following objectives and policies apply:

#### **POLICY**

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##### **5.2 Growth Management Objectives:**

*b) To develop as a complete, balanced community with a diverse mix of land uses, where residents have the opportunity to live, work and play in their community.*

*c) To ensure an orderly and logical progression of urban development, and an efficient use of land, infrastructure and services.*

*j) To coordinate land use planning with infrastructure planning.*

*k) To accommodate development which protects, conserves and manages the health of the Natural Heritage Systems and other environmental features for current and future generations.*

##### **5.6 Urban Settlement Area Structure**

a) *Smithville is the Urban Settlement Area in the Township of West Lincoln and is the focus for urban development on full municipal services. ...*

d) *Greenfield Areas are larger tracts of undeveloped lands that are intended to accommodate new residential and employment growth. Greenfield areas are required to meet an overall density of 50 persons and jobs per hectare, it is realized that not every site will be able to individually achieve that target; however, the Township will closely monitor Greenfield developments to ensure that the Township will meet the overall Greenfield target.*

g) *The objectives of the Urban Settlement Area Structure are to direct new growth and redevelopment to the appropriate areas of the Urban Area, and to guide the form and density of the growth to achieve a complete community that is vibrant, well-connected, and prosperous. Guiding growth is more than just densities and land use designations, the aesthetics of the development are important in creating a livable community. As such, the Township will prepare Urban Design Guidelines for the Downtown Core and may prepare more detailed Urban Design Guidelines for Infill Development and other forms of development within Smithville to supplement the policies of this Plan.*

### **5.10 Greenfield Strategy**

*Greenfield Areas are intended to be developed in such a way as to create more compact, multi-modal, mixed-use communities with a range of housing types and to develop employment lands in an efficient manner. The policies for Greenfield Areas are as follows:*

a) *The Township will require a minimum combined gross density target of 50 people and jobs per hectare across all Designated Greenfield Areas. Gross density shall mean the jobs and persons per hectare of development excluding the following features and any non-developable features designated in this Official Plan:*

*i. Wetlands*

*ii. Significant woodlands*

*iii. Significant valley lands*

*iv. Areas of natural and scientific interest*

*v. Habitat of endangered species and threatened species*

*vi. Significant wildlife habitat*

*vii. Fish Habitat*

*viii. Floodplain areas*

*b) All Greenfield Areas will require a Secondary Plan prior to development. The Northwest quadrant shall be developed as one secondary plan.*

## **ANALYSIS**

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The ESSP has been prepared and approved with the intent of achieving a complete, balanced community. To achieve this intent, the ESSP designates a diverse mix of land uses. As described in Section 5.4.12.3 of this PJR, the Applications propose a mix of uses, including employment, park, residential uses, and commercial uses in conformity with the land use policies and designations of ESSP, including a planned density of 87.7 residents and jobs per hectare.

The Urban Design Brief submitted with the Applications reviewed the proposed development in relation to the ESSP and the Smithville Urban Design Manual. There were no concerns identified in respect to the Applications.

Based on the foregoing, the Applications conform with the Township's Growth Management Strategy.

### **5.4.4 Settlement Area Policies**

Section 6.1 includes general residential policies for the Urban Settlement Area. The remainder of Section 6 includes policies for development in Smithville. These include policies regarding Land Use Designations and Urban Design.

Sections 6.2.1, 6.3 and 6.5 provide policies for the Low Density Residential (Smithville), Medium Density Residential (Smithville), and Residential/Mixed Use Area (Smithville) designations, respectively. All the matters identified in these sections are also addressed in the ESSP. In accordance with Section 4.1.1 of the ESSP "Where there are inconsistencies between a particular policy in the Official Plan and the Secondary Plan, the policies of the Secondary Plan shall prevail." For this reason, sections 6.2.1, 6.3 and 6.5 have not been analyzed in this PJR.

Section 6.6. of the OP provides design policies for Residential Neighbourhoods (Smithville). These policies have been included in the separate Urban Design Brief submitted as part of the Application.

Notwithstanding the above, Section 6.1.2 and 6.1.5 provide policies related to General Residential Objectives and Communal Housing, respectively that should be considered:

## **POLICY**

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### **6.1.2 Objectives**

*a) To protect and enhance the character and image of the Urban Settlement Area;*



*b) To promote higher density residential development, and mixed use development/redevelopment in appropriate locations in Smithville;*

*c) To encourage and facilitate the production of a range of dwelling types and ownership forms, including housing that is more affordable to the existing and future residents of West Lincoln; and*

*d) To encourage high quality design that is environmentally sustainable and is compatible with the character and image of the adjacent buildings.*

#### **6.1.5 Communal Housing**

*a) Communal Housing offers services which may include shared kitchen/dining facilities, sanitary facilities, laundry facilities, amenities, and other facilities, to residents living in shared and/or private suites.*

*b) Communal housing forms may include Nursing Homes, Homes for the Aged, Retirement Homes, Retirement Lodges, Boarding Houses, Continuum of Care Developments, Seniors' Accommodations and similar forms of service oriented, communal housing but does not include Group homes, hotels or motels. Communal Housing may also be considered institutional uses.*

*c) For the purposes of the Zoning By-law, a Communal Housing suite is not defined as an independent dwelling unit, as the occupants rely on the provision of shared facilities and/or amenities.*

*d) Communal Housing may be located in the Medium Density Residential, High Density Residential and Residential/Mixed Use designations subject to the policies of those designations and this section.*

*e) Communal housing shall provide adequate buffering, parking and amenity areas.*

*f) All Communal Housing developments shall be compatible with the character and image of the surrounding community.*

*g) All Communal Housing developments shall be subject to Site Plan Control. ("zoning bylaw amendment" removed as per OPA No. 47)*

*h) The Zoning By-law shall establish the specific zones and regulations for communal housing uses that shall include, but not be limited to, size, location, performance standards and specific use. (added by OPA No. 47)*

## **ANALYSIS**

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The proposed development is well designed with a street-oriented focus along the northside of St. Catharines Street, acting as a welcoming entranceway to Smithville. The Applications would facilitate a mix of uses and range of dwelling types in conformity with

the General Residential – Objectives of the Township OP. The higher density residential and mixed use development is planned along the north side of St. Catharines Street as per the policies of the ESSP.

The proposed development consists of a 6-storey retirement home on Block 30 which is considered Communal Housing under the Township OP. According to the Township OP, Communal Housing may or may not include shared kitchen/ dining facilities, amenities and other facilities while residents live in shared and/ or private suites. The proposed retirement home contains 104 dwelling units with independent kitchen and bathroom facilities. Five (5) out of the six (6) floors of the retirement home feature an amenity area which may accommodate shared facilities. The Township OP also states that should the occupants rely on the provision of shared facilities, a Communal Housing suite is not defined as an independent dwelling unit for the purposes of the Zoning By-law. Since the retirement home units are expected to come with independent kitchen and bathroom facilities, they are considered dwelling units for the purposes of the Zoning By-law. The proposed retirement home has provided adequate buffering in the form of building setbacks, parking at the rate of one space per unit and indoor amenity areas in five (5) out of six (6) floors.

As discussed in the Urban Design Brief, the retirement home is compatible with the character and image of the surrounding community. The surrounding context of this development is predominantly undeveloped. The retirement home is located on lands that are partially within the community gateway node of Smithville (as identified in the Smithville Urban Design Manual) which asks for additional building height and massing to emphasize the gateway characteristics. Lastly, the proposed retirement home is conceptually designed with compatible and complementary architectural design and articulation with that of the mixed-use apartment building on Block 31.

The retirement home on Block 30 is proposed to be zoned “Commercial Mixed (CM) Zone” with site-specific regulations appropriate for the proposed use. It is anticipated that this development will be subject to Site Plan Control.

#### 5.4.5 Archaeological Conservation

The following policies apply in regard to the two Early Archaic Indigenous sites (AgGv-148 and AgGv-149) documented as part of the Stage 2 Archaeological Assessment prepared by ASI Heritage:

#### **POLICY**

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*a) Council recognizes that there may be archaeological remnants of pre-contact and early historic habitation within the Township and will consider the interests of Aboriginal communities in conserving archaeological resources. Council will therefore require an archaeological survey of lands proposed for development that exhibit archaeological potential as well as the preservation or rescue excavation of significant archaeological resources that are found and which might be affected*

*in any future development, in co-operation with the Ministry of Citizenship, Culture and Recreation.*

*d) Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation in situ. Where significant archaeological resources must be preserved in situ (long-term in-ground protection of the archaeological resource); only development and site alteration which maintain the heritage integrity of the site may be permitted.*

## **ANALYSIS**

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As discussed, stage 1, 2, 3 and 4 archaeological assessment has been conducted for the Subject Lands. It is concluded that the site retains no further cultural heritage value or interest and no further archaeological mitigation is required. Therefore,, the Applications conform with the above policies of the Township OP.

### **5.4.6 Parks**

The Subject Lands will include the provision of a Neighbourhood Park. Section 9.3 of the Township OP details policies with respect to Parks. The following policies apply:

## **POLICY**

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*d) When reviewing an application to amend the Official Plan or Zoning By-law or when commenting on plans of subdivision, Council will consider the need for park developments in accordance with this section.*

*e) The dedication of land or the acceptance of cash-in-lieu of land dedicated for park purposes or other public recreation purposes required in the case of development or redevelopment shall be in accordance with the following requirements:*

*i. For commercial and industrial purposes:*

*1. The conveyance of 2% of the land being developed or redeveloped, pursuant to Sections 42(1) and 51.1 of the Planning Act, as amended, or any successor thereto ...*

*ii. For all other purposes:*

*1. The conveyance of 5% of the land being developed or redeveloped, pursuant to Sections 42(1) and 51.1of the Planning Act, as amended, or any successor thereto...*

f) *To ensure that parkland dedications are of an acceptable quality, all sites dedicated as parkland must be accepted by the Township and shall satisfy the following:*

*i. Be relatively level and not required for drainage/stormwater purposes, nor contain lands susceptible to flooding, have steep valley slopes or other physical features which are unsuitable for open space/park development;*

*ii. Have good drainage characteristics;*

*iii. Be centrally located (preferably adjacent to a school) within a neighbourhood or community context to provide convenient vehicular and pedestrian access;*

*iv. Provide a reasonable park configuration to accommodate the dimensions and shape of large playing fields, where applicable;*

*v. Be visually prominent within the development;*

*vi. Be provided with basic service requirements;*

*vii. Be developed in accordance with the Township's parkland standards;*

*viii. Lands not satisfying all of these criteria may be deemed acceptable if they are not important for achieving an identified trail connection...*

## **ANALYSIS**

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The Applications would facilitate the development of 1.15 hectares of lands for business park units, 3.89 hectares of lands for residential and mixed use development, and 1.74 hectares for right-of-way. On this basis, the maximum amount of parkland that is permitted to be acquired under the *Planning Act* is 0.023 ha for the business park use, 0.1945 hectares for the residential and mixed use lands and 0.087 hectares for right-of-way. On this basis, the maximum amount of parkland that is permitted to be acquired is 0.3045 hectares. In accordance with the request of the Township, the Applications includes the provision of 0.63 ha for parkland purposes. The parkland in excess would count towards the parkland requirement of the proposed development to the east. The Owner of the Subject Lands and the adjacent lands to the east will work collaboratively to proportion the parkland dedication and ensure the proposed parkland is dedicated free and clear to the Township.

The location of the proposed parkland is generally in accordance with the ESSP, and of an appropriate size and configuration to support recreational uses. It is anticipated that the conditions of approval for the Draft Plan of Subdivision will require the dedication of Parkland and that the parkland be constructed to Township standards.

#### 5.4.7 Natural Environment Policies

The Subject Lands are impacted by Fish Habitat as per Schedule C-1 and C-4 of the Township OP, which is also identified as a watercourse in Schedule A of the ESSP. Section 10.7.2 of the Township OP provides as follows:

#### **POLICY**

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*o) Within Fish Habitat as identified on Schedule 'C-1' and 'C-4', or adjacent lands as specified in Table 10-1, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its' designate. The proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Region of Niagara.*

*p) First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by the Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by that Ministry. A narrower buffer may be considered where the EIS has demonstrated that it will not harm fish or fish habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres.*

#### **ANALYSIS**

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The policies above are similar to those within the Regional Official Plan (2014 Office Consolidation). As indicated, the Concept Plan and Draft Plan provides for a 10 metre buffer from the watercourse as confirmed to be appropriate in the Myler Ecological Consulting Constraints Analysis and Scoped EIS.

#### 5.4.8 Infrastructure Policies

Section 14.2 through Section 14.4 of the OP contains policies with respect to water, wastewater and stormwater management. The following apply:

#### **POLICY**

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*14.2.1 a) All new development in the urban settlement area of Smithville shall be required to be connected to the municipal water system as a condition of approval.*

*14.2.1 c) The Township in consultation with Niagara Region shall ensure that there is sufficient reserve water system capacity within the municipal water service to accommodate new development in Smithville.*

14.3.1 a) *All new development within the urban settlement area of Smithville shall be required to be connected to the municipal sewage system in accordance with the requirements of the Township as a condition of approval.*

14.3.1 b) *Council shall ensure that there is an acceptable means of disposal of private sewage in the remainder of the Township prior to permitting new development.*

14.3.1 d) *Development should be phased in line with available sanitary and water treatment capacity.*

14.4.1 a) *A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified engineer may be required with a development application depending on:*

- i. The scale and nature of the proposal; and*
- ii. Site-specific environmental conditions.*

## **ANALYSIS**

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A Functional Servicing Report has been submitted with the Applications. Full development of the Subject Lands will require coordination with the adjacent landowners to the east to address stormwater management, and coordination or phasing to address sanitary capacity constraints related to the Smithville Sanitary Pumping Station. Provided that these matters are appropriately considered, the Applications conform with the above infrastructure policies of the Township OP.

### **5.4.9 Roads**

Section 14.5 of the Township OP provides policies with respect to roads. These policies must be read in conjunction with the Transportation policies contained in Section 6.11.5.4 of the ESSP. St. Catharines Street is a Regional Arterial Road. Streets 'A' and 'B', as shown on the Draft Plan of Subdivision would be Collector Roads as per Section 7.3, 1. of the ESSP. The remaining roads shown on the concept plan would be Local Roads. The following policies apply:

## **POLICY**

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### **14.5.2 Regional Arterial Roads**

*c) Consideration shall be given, where appropriate, to reducing the number of driveways along Regional arterial roads through the provision of service roads, shared driveways, and common off street parking areas.*

*d) Reverse lotting shall be discouraged and only permitted where there is no other alternative.*

#### **14.5.4 Collector Road**

*b) The planned right of way widths of collector roads shall be 20 metres. In areas of lower traffic volume or in presently built-up areas where the wider right-of-way is likely to be difficult to obtain because of building locations, a reduced right-of-way width may be considered of not less than 18 metres.*

*d) Consideration shall be given to appropriate measures to reduce or discourage excessive vehicular traffic on collector roads in developed areas.*

*e) Direct access to abutting properties shall be minimized to the extent possible.*

#### **14.5.5 Local Roads**

*b) The planned right of way widths of local roads shall be 20 metres. In areas of lower traffic volume or in presently built-up areas where the wider right-of-way is likely to be difficult to obtain because of building locations, a reduced right-of-way width may be provided of not less than 18 metres.*

*c) The remainder of the roads in the Township are classified as local roads. Existing and future local roads are intended to provide access to abutting properties and to discourage through traffic.*

*e) On-street parking may be allowed, subject to applicable by-laws as approved by Council from time to time, except in locations where it will create a conflict between pedestrian and vehicular traffic or interfere with the safe operation of vehicular traffic.*

Section 7.3 of the ESSP provides:

*1. Lands in the Secondary Plan area shall be serviced by a collector road with a connection to the roundabout at St. Catharines Street and a connection to Industrial Road. The alignment of the collector road, as shown in Schedule A, is conceptual and may be modified without amendment to this plan provided any change is consistent with the intent of the Secondary Plan.*

*3. Driveways and local street connections shall not be permitted on the north side of St. Catharines Street.*

## **ANALYSIS**

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The Applications conform with the above policies of the Township OP for the following reasons:

- There is only one access being provided along the northside of St. Catharines Street (Regional Road #20). This access is to a collector road, identified as Street “A” on the Plan of Subdivision. As shown on the Concept Plan, buildings and structures on Blocks 15 and 16 are designed to address all adjacent streets, including St. Catharines Street, the new collector road identified as Street “A” and a new local road identified as Street “D”. Accesses to these blocks are also provided through Street “D”, a local road.
- Driveway access is primarily provided to local roads and access to collector roads is minimized to as great extent as possible:
  - There are no individual driveway accesses proposed along Street “A.”
  - Driveway access to Street “B” would only be to the Business Park block and driveways for up to five (5) dwelling units.
  - The number of driveways into the Business Park block will be limited to the number of driveways permitted under the current Zoning By-law. No site-specific amendments are being proposed.
- The proposed road widths conform with the policies of the Township OP.
- Relief from the provisions of the Township Zoning By-law is sought regarding the minimum number of parking spaces for the mixed use apartment block (Block 31). This relief is necessary to achieve the planned densities within the ESSP. The Draft Plan has been designed to minimize the number of accesses on the southside of Street D. This approach allows for the provision of several informal on-street parking spaces to accommodate any overflow that may occur from Block 31.

#### 5.4.10 Land Use Compatibility

A CP Rail Mainline and industrial land uses are located to the north of the Subject Lands. The Township OP includes the following policies regarding land use compatibility:

### **POLICY**

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#### **6.11.55.5 – East Smithville Secondary Plan – Development Phasing – Land Use Compatibility**

##### Rail

*2.c. Development of sensitive land uses within 30 metres of the rail right of way is prohibited.*

##### Smithville Industrial Park

*1. Proponents of new sensitive land uses within 300 metres of lands within the Smithville Employment Area shall be required to undertake a land use compatibility study, or other required study, to identify potential adverse impacts including but*



*not limited to noise, vibration, odours, dust or other emissions, and to determine appropriate mitigation measures. The proponent/landowner shall be responsible for addressing and implementing any necessary mitigation measures required by the approved studies to the satisfaction of the Township and the Region.*

#### **14.6 Infrastructure and Transportation - Rail**

14.6 a) *All setbacks from the rail line shall be in accordance with the following:*

*i. All proposed development within 500 metres of an active railway right-of-way may be required to undertake noise studies to the satisfaction of the Township and the Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that are identified.*

*ii. All proposed development within 75 metres of an active railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Township and the Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate effects from vibration that were identified.*

#### **18.18 Land Use Compatibility**

*Sensitive land uses shall be protected from the adverse impacts of noise, vibration, odours, emissions, litter, dust and other contaminants. In order to achieve this, Council will request that appropriate studies be undertaken where sensitive land uses may be impacted. Such studies shall be submitted to Council prior to approval in principle of a development or land use change (i.e.: prior to establishing the principle of development).*

### **ANALYSIS**

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The Applications and Concept Plan conform with the above policies. There are no sensitive land uses proposed within 30 metres of the railway right-of-way. The Noise Feasibility Study and Land Use Compatibility Study prepared by HGC Engineering considered potential adverse effects from proposed sensitive land uses in proximity to industrial land uses, roadways and CP railway. Provided that appropriate mitigation measures are put in place through future *Planning Act* approvals, as described in the studies, the Applications are considered to conform with the Land Use Compatibility policies of the Township OP.

#### **5.4.11 Subdivision Control**

Section 18.6 of the Township Official Plan includes the following policies regarding subdivision control:

### **POLICY**

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a) *The Subdivision Plan approval process and Subdivision Agreements pursuant to the Planning Act, 1990, will be used by Council to ensure that the policies and land uses of the Official Plan and Secondary Plan are complied with and that a high standard of design is maintained in new development area.*

b) *Council will only recommend approval for those Plans of Subdivision which conform with the following criteria:*

*i. The Plan of Subdivision conforms with the policies of this Plan;*

*ii. Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, communications/telecommunications infrastructure, pedestrian facilities and fire and police protection can be provided;*

*iii. The Township is able to provide necessary services without imposing undue increases in taxation on all residents, and;*

*iv. The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.*

## **ANALYSIS**

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The Plan of Subdivision would facilitate development of the Subject Lands in accordance with policies of the Township OP including the ESSP and relevant phasing policies. The compact built-form and proposed densities is anticipated to provide for a cost-effective approach to providing municipal services, mitigating the potential to impose undue increases in taxation on all residents. As per the FSR that has been submitted with the Applications, the Subject Lands can be adequately serviced, provided that appropriate phasing conditions are in place related to the provision of a Stormwater Management Facility.

### **5.4.12 East Smithville Secondary Plan**

The Subject Lands are within the ESSP Area. The purpose of the ESSP is to provide a planning framework to guide the detailed planning and future development of East Smithville over the next 20 years. The ESSP establishes the principles for the design and development of the neighbourhood as well as land use patterns and conceptual locations of community infrastructure, such as parks and stormwater management ponds. The ESSP also considers land use compatibility with the nearby industrial park and CP rail line. Development of the ESSP is intended to occur in a manner that is sensitive to the existing community of Smithville.

#### **5.4.12.1 Vision and Goals**

Section 6.11.6.1 of the ESSP identify vision and goals. The following are excerpts that apply:

## **POLICY**

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## **Vision**

*It is the intent of the Township of West Lincoln that these lands be developed with a mix of uses and densities. The East Smithville Secondary Plan area is expected to function as a future prominent gateway into the urban area of Smithville, with the potential to accommodate up to 500 new residential units.*

*Accordingly, it is the vision of the secondary plan that the development of East Smithville shall reflect the small town character of Smithville and provide an attractive, high-quality, safe, sustainable, interconnected, and pedestrian-friendly community for future residents of all ages and abilities to enjoy. Ultimately, East Smithville will become an urban neighbourhood with a strong pedestrian focus enhanced by public green space and trail linkages and a commercial/mixed use function to support the needs of the neighbourhood residents and the Smithville community.*

### **3.2 Goals**

*To develop a land use and development concept that will implement the vision:*

- To determine the appropriate population and housing yield/ mix for the development area;*
- To provide land use and urban design policies to guide the development of the community;*
- To encourage the development of a range and mix of housing types, including the development of accessible and affordable housing;*
- Provide a framework for the development of a neighbourhood with a compact urban form that is pedestrian-oriented and incorporates a park, open spaces and trails and provides linkages to the wider trail network; [and]...*
- To ensure the appropriate development of the community by providing direction and guidance to the review and approval of development applications.*

## **ANALYSIS**

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The vision and goals of the ESSP are implemented through its land use and community design policies as discussed in the following sections of this PJR and the accompanying Urban Design Brief. To summarize, the Applications conform with the Vision and Goals contained within the ESSP by facilitating the development of a mix of uses and housing types including 329 residential units, and also ensuring the provision of an appropriately located park. The proposed development of the lands is also well-designed as discussed in the Urban Design Brief.

#### 5.4.12.2 Community Structure and Design

The ESSP provides policies regarding community structure and design. The following is an outline of applicable policies contained in Section 6.11.6.1(a) regarding community structure. The community design policies included in Section 6.11.6.1(c) have been included in the separate Urban Design Brief submitted as part of the Applications.

#### **POLICY**

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*The East Smithville lands will be developed as a primarily low and medium density residential neighbourhood, with the opportunity to develop a limited amount of local mixed uses at key locations. Greenfield areas are required to meet an overall density of 50 persons and jobs per hectare. The Niagara Regional Official Plan requires that residential lands in designated Greenfield areas will be planned and designed to achieve a minimum density target of 50 people and jobs combined per hectare. It is recognized that density targets are to be achieved across the Designated Greenfield area and the Region.*

*To achieve density targets of the Designated Greenfield Area and create complete communities that provide for housing needs and choice within the Township, the Township's Official Plan emphasizes the development of Greenfield areas to create more compact, multi-modal, higher density mixed use communities with a range of housing types to develop in an orderly and logical progression and which utilizes land, infrastructure and services efficiently. Based on the land area and the density required to achieve the greenfield density target, the development of the lands is expected to yield between 450-500 residential units which would support a population of approximately 1,000 to 1,200 people within the Designated Greenfield Area of the Secondary Plan.*

#### **ANALYSIS**

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The proposed development has been designed to provide for 329 dwelling units, 562 residents and a density of 87.7 residents and jobs per hectare. The proposed density will assist the Township in achieving its Greenfield Density Target. The proposed development has been designed with the intent of achieving a compact and complete community with a mix of land uses in accordance with the land use designations is shown on the Community Structure Plan forming part of the ESSP.

#### 5.4.12.3 Land Use Policies

The following sections of this PJR provide an analysis of the policies pertaining to the land use designations that apply including Business Park, Low Density Residential, Park, Medium Density Residential, Mixed Use and Parkland. The Land Use Designations are shown on the Community Structure Plan included as a Schedule to the ESSP. There is some minor adjustment to the proposed block configurations and road alignments to that which was shown Community Structure Plan. This refinement was necessary to ensure appropriate connections to adjacent lands to the east and west of the Subject Lands. As per the following policy excerpts, the Community Structure Plan is intended to be a

conceptual illustration of land use designations, intended to be refined through future applications and processes under the *Planning Act*:

#### **6.11.6.2 Land Use Policies – f) Parks and Natural Features**

*1. In addition to the provision of open space and parks, private amenity recreation space should also be provided through future development applications; Minor adjustments may be made to the size and location of parks and open space through the development approval process, without further amendment to the Secondary Plan, as long as the general intent of the Secondary Plan is respected.*

#### **6.11.6.4 Servicing and Transportation – Transportation**

*1. Lands in the Secondary Plan area shall be serviced by a collector road with a connection to the roundabout at St. Catharines Street and connection to Industrial Road. The alignment of the collector road, as shown in Schedule A, is conceptual and may be modified without amendment to this plan provided any change is consistent with the intent of the Secondary Plan.*

#### **2.4 Implementation – Interpretation**

*2. Where the general intent of this Secondary Plan is maintained to the satisfaction of the Municipality, minor adjustments will not require an amendment to this Secondary Plan.*

Notwithstanding minor refinement to the road alignment, the intent of the ESSP is maintained, as the proposed development conforms to policies described in Section 6.11.5.2 (a) as follows:

#### **a) General Policies**

*i) The East Smithville Secondary Plan is planned to achieve a minimum overall density of 50 people and jobs per hectare.*

*ii) Residential lands will be designated as primarily low and medium density residential, with high density mixed use development along St. Catharine Street.*

*iii) Development located adjacent to a rail line shall comply with CP Rail Principle Main Line requirements.*

*v) To be consistent with the Township Official Plan and to achieve the density target, the East Smithville Neighbourhood will be planned, designed and zoned to achieve a variety of housing types, styles and lot sizes.*

#### **Low Density Residential**

The Low Density Residential designation is intended to apply to Blocks 4 through 13 and Lots 14 through 16 on the Draft Plan of Subdivision. Section 6.11.6.2 b) identifies the following policies with respect to the Low Density Residential designation:

#### **POLICY**

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- i) *The planned function of the Low Density Residential designation is to provide opportunity for the development of low-rise residential land uses at lower densities. While the predominant land use within the Low Density Residential designation will be residential, it is intended that complementary non-residential land uses may be permitted to locate within this designation provided they do not impact the ability of the lands to achieve the vision and policies of this Plan and the required overall density target.*
- ii) *Lands designated Low Density Residential may be zoned to permit the following residential uses:*
  - a) *Single detached dwellings;*
  - b) *Semi-detached dwellings;*
  - c) *Linked semi-detached dwellings; and,*
  - d) *Duplex dwellings.*
- iii) *In addition to permitted residential uses, lands designated Low Density Residential shall permit the following uses, subject to applicable policies of the Township of West Lincoln Official Plan and the Zoning By-law:*
  - a) *Home Occupations;*
  - b) *Public and Private Utilities;*
  - c) *Bed and Breakfast Establishments;*
  - d) *Day Care Facilities;*
  - e) *Places of Worship;*
  - f) *Educational Facilities;*
  - g) *Accessory Apartments; and,*
  - h) *Garden Suites.*
- iv) *Low Density Residential uses shall achieve a maximum density of 30 units per hectare.*
- v) *The maximum building height in the Low Density Residential land use designation shall be 2.5 storeys.*

## **ANALYSIS**

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Blocks 4 through 13 and Lots 14 through 16 are proposed to be rezoned to R3 with site-specific provisions as discussed in Section 6.0 of this PJR to permit the development of three (3) single-detached and twenty (20) semi-detached dwellings at a density of 28 units per hectare. The Applications conform with the above policies of the ESSP.

### **Medium Density Residential**

The Medium Density Residential Designation is intended to apply to the residential lands south of Street "C" and north of Street "D." These are shown as Blocks 17 through 29 on

the Draft Plan of Subdivision. Section 6.11.6.2 c) identifies the following policies with respect to the Medium Density Residential Designation:

## **POLICY**

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- i) *The planned function of the Medium Density Residential designation is to accommodate a range of medium density housing types including townhouse dwellings and stacked townhouse dwellings. The aim of this designation is to encourage medium density development and provide for the appropriate transition from lower density uses and non-residential uses. While the predominant land use within the Medium Density Residential land use designation will be residential, it is intended that complementary non-residential land uses may be permitted to locate within this designation provided they do not impact the ability of the lands to achieve the vision and policies of this Plan and the required overall density target.*
- ii) *The Township will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a higher density built form.*
- iii) *Lands designated Medium Density Residential may be zoned to permit the following residential uses:*
  - *Street townhouses;*
  - *Cluster townhouses;*
  - *Stacked townhouses;*
  - *Back to back townhouses; and,*
  - *All residential uses permitted in the low density residential designation of this Secondary Plan.*
- iv) *In addition to permitted residential uses, lands designated Medium Density Residential shall permit the following uses, subject to applicable policies of the Township of West Lincoln Official Plan and an amendment to the Zoning By-law, where applicable:*
  - *Day Care Facilities;*
  - *Places of Worship; and*
  - *Educational Facilities.*
- v) *Medium Density Residential uses shall have a maximum density of 30 units per hectare.*
- vi) *The maximum building height in the Medium Density Residential designation shall be 4 storeys.*

- vii) *Medium Density Residential development shall be subject to Site Plan Control and shall be designed and appropriately located in compliance with the direction of the Township's Smithville Urban Design Manual.*

## **ANALYSIS**

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The Medium Density Residential Blocks are proposed to be zoned RM2 with site-specific provisions as discussed in Section 6.0 of this PJR. The RM2 zone permits duplex dwellings, fourplex dwellings, semi-detached dwellings, street townhouse dwellings, townhouse dwellings and triplex dwellings. The Draft Plan of Subdivision identifies 50 (34 street townhouse and 16 semi-detached) dwelling units, with a residential density of 40.7 units per hectare.

The maximum density of 30 units per hectare in the Medium Density Residential Designation appears to have been a typographic error in drafting the By-law. The intent of Council was likely to approve a density of between 30 to 50 units per hectare. A density greater than 30 units per hectare is necessary to differentiate the land use from the lands designated low density residential to the north, and to ensure an appropriate transition to higher density uses to the south. The draft ESSP adopted by the Planning Building Environmental Committee provided for a density of 30 to 50 units per hectare.

The proposed uses and density conform with that which has been intended for the Medium Density Residential Designation within the ESSP. An Amendment to the ESSP is not required as per policy 2.4 Implementation – Interpretation which provides “Where the general intent of this Secondary Plan is maintained to the satisfaction of the Municipality, minor adjustments will not require an amendment to this Secondary Plan.”

### **Mixed Use**

The Mixed Use Designation is located at the front of the Subject Lands, along the north side of St. Catharines Street and southside of Street “D.” These are shown as Blocks 30 and 31 on the Draft Plan of Subdivision. Section 6.11.6.2 d) identifies the following policies with respect to the Mixed Use Designation:

## **POLICY**

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- i. *The Mixed Use designation is intended to be flexible and responsive to land use pattern changes and demands, and permit a broad range of residential, commercial and retail uses which are compatible with the surrounding area and meet the day to day needs of the neighbourhood. It is the intent that multiple residential buildings, with commercial uses at the ground floor, are the predominant use of land in the mixed use designation. However, the Township will consider applications that provide a mixture of uses on a site provided this type of built form does not impact the ability of the East Smithville Neighbourhood to achieve the required density target.*



- ii. *Lands designated Mixed Use should be zoned to permit the following uses:*
- *Office*
  - *Clinic*
  - *Live-work units*
  - *Apartment buildings*
  - *Communal housing*
- iii. *Lands designated Mixed Use may be zoned to permit the following uses on the ground floor of a building that contains residential uses:*
- a) *Restaurants;*
  - b) *Small scale local serving retail uses; and*
  - c) *Small scale local serving commercial uses.*
- The maximum unit size of such uses shall be 1,000 m<sup>2</sup>.*
- iv. *Lands designated Mixed Use should be zoned to permit mixed use buildings with ground floor commercial uses and/or a mixed use site with residential uses located to the rear of commercial uses.*
- v. *The Mixed Use designation shall have a minimum density of 90 units per hectare.*
- vi. *The maximum building height in the Mixed Use designation shall be 6 storeys*
- vii. *The Township may consider a height beyond 6 storeys subject to the submission of a design brief which demonstrates the proposed increase in height will maintain an appropriate public realm and pedestrian streetscape*
- viii. *Development within the Mixed Use designation shall be subject to Site Plan Control and shall be designed and located with considerations for the direction of the Township's Smithville Urban Design Manual.*
- ix. *A design brief in support of site plan applications for mixed use development is required.*
- x. *Entrances and driveways are prohibited along the frontage of St. Catharines Street.*

## **ANALYSIS**

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The Applications would facilitate a mix of commercial and residential use in the form a retirement home and an apartment dwelling with ground floor commercial uses. The Draft Plan of Subdivision provides 256 dwelling units (104 retirement home dwelling units on Block 30 and 152 apartment dwelling units on Block 31) within the lands designated Mixed

Use at a cumulative density of 138.4 units per hectare. The specific uses to be constructed on the Subject Lands are anticipated to be refined with a future Site Plan Application. Apartment dwelling with at-grade commercial uses is a permitted use in the Mixed Use lands while retirement home as a form communal housing is also permitted. None of the commercial units on Block 31 is expected to exceed 1,000 m<sup>2</sup> in GFA. The Site Plan in Appendix A1 shows no driveways have been proposed along St Catharines Street for both Blocks 30 and 31.

The proposed mixed use apartment building on Block 31 is 8 storeys in height, exceeding the maximum height permitted in the Mixed Use designation. However, the ESSP provides that the Township may consider a height beyond 6 storeys subject to the submission of a design brief which demonstrates the proposed increase in height will maintain an appropriate public realm and pedestrian streetscape. An Urban Design Brief has been submitted as part of the Applications and concluded that the 8-storey building maintain an appropriate public realm and pedestrian streetscape. As such, the proposed height does not necessitate an amendment to the Township OP nor the ESSP.

### Business Park

The Business Park designation is proposed to be located at the rear of the Subject Lands between the abutting CP rail line at the north and along the northside of Street "B." The lands are shown as Block 2 on the Draft Plan of Subdivision. Section 6.11.6.2 e) identifies the following policies with respect to the Business Park Designation:

### **POLICY**

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1. *The planned function of the Business Park designation is to accommodate service commercial, office and other low impact employment uses. It is the intent of the Business Park area to act as a connecting centre for the neighbourhood and create opportunities for residents to obtain commercial services and employment opportunities required to meet their day to day needs, within a reasonable walking and cycling distance. Accordingly, a range of commercial uses, light industrial business and professional offices are appropriate.*
2. *Commercial uses should be small scale in nature and be developed up to a maximum of 1,000 m<sup>2</sup> of Gross Leasable Floor Area.*
3. *Lands designated Business Park may be zoned to permit the following uses:*
  - a. *Service commercial;*
  - b. *Small scale employment uses that are compatible with adjacent residential uses;*
  - c. *Personal service;*
  - d. *Restaurants;*
  - e. *Commercial recreational facilities;*
  - f. *Office;*
  - g. *Clinic; and,*

*h. Local Convenience/Retail.*

4. *The following uses are prohibited within the Business Park designation*
  - a. *Industrial uses;*
  - b. *Drive-through facilities of any kind;*
  - c. *Automotive-oriented uses of any kind (sales, service, gas stations); and,*
  - d. *Adult entertainment establishments.*
5. *The Zoning By-law may further refine the list of permitted and prohibited uses.*
6. *Buildings shall have a minimum building height of 2 storeys and a maximum building height of 5 storeys.*
7. *The Township may consider a maximum height beyond 5 storeys in the Business Park designation subject to the submission of a design brief which demonstrates the proposed increase in height will maintain an appropriate public realm and pedestrian streetscape and compatibility with adjacent lands.*

## **ANALYSIS**

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The Business Park block is proposed to be zoned Office and Business Park Employment (M1), with site-specific provisions. The M1 zone identifies a range of permitted uses as discussed in Section 6.0 of this PJR. The range of permitted uses within the M1 zone conforms with the ESSP.

The ESSP lists service commercial as a permitted use. Service commercial is not defined in the Township Zoning By-law. However, service commercial uses are identified in Section 6.8.1 of the Township OP. In addition to the permitted uses within the M1 zone, the draft ZBA proposes to include Service Commercial uses within the Business Park Block, as appropriate.

The Draft Plan includes the provision of 20 Business Park units. The siting of the Business Park units will need to be refined through future Site Plan Applications. However, the proposed Concept Plan provides one example of how the proposal may be implemented.

The Applications conform with the Business Park Designation policies of the ESSP.

### **Parks**

Block 3 on the Draft Plan of Subdivision is proposed to be a parkland block and located on the southside of Street "B", east of the Low Density Residential Blocks (Blocks 4 through 9). Block 37 on the Draft Plan is proposed to be a public trail and located north of Block 2 and east of Block 1. Section 6.11.6.2 f) identifies the following policies with respect to parks and trails:

## **POLICY**

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- i. *The planned function of the Parks land use designation is to provide East Smithville and the surrounding neighbourhood with convenient access to a broad range of uses, including municipal parks and other green spaces.*
- ii. *A central park is a key component of the Secondary Plan. It is the intent that the park designation be developed consistent with the Neighbourhood Parks and Playgrounds and Linear Parks and Greenspace Corridors typologies identified in Section 9 of the Township Official Plan.*
- iii. *The amount and type of parkland within the community shall be consistent with the policies contained within Section 9 of the Township Official Plan and will be determined through the draft plan of subdivision process.*
- iv. *Park spaces shall have trail connections to promote connectivity via on-street or off-street trails connecting blocks, open spaces and other points of interest.*
- v. *Park spaces shall be designed to ensure public safety with buffers to nearby Business Park lands.*
- vi. *Development of a trail system along a rail line is encouraged and will act as a buffer to nearby business park and residential uses.*
- vii. *Parks and trails shall be strategically located and linked to the broader trail system, as identified in the Township's Trails and Corridors Master Plan and the identified potential trail connections on Schedule A.*
- viii. *All trails shall be designed consistent with the Township of West Lincoln Trails and Corridors Master Plan.*
- ix. *Parks shall be easily accessible to residents and will be located within close proximity to all residential areas.*
- xii. *In addition to the provision of open space and parks, private amenity recreation space should also be provided through future development applications; Minor adjustments may be made to the size and location of parks and open space through the development approval process, without further amendment to the Secondary Plan, as long as the general intent of the Secondary Plan is respected.*

## **ANALYSIS**

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The Draft Plan of Subdivision includes the provision of 0.63 hectares of Parkland. The location and configuration of the parkland block is in general alignment with that shown on the Community Structure Plan. The proposed park is adequately sized for recreation uses, would be in proximity to residential uses and be easily accessible to residents. The

proposed park will also provide buffer from the business park use for residential uses south of Street “C”. As discussed, the proposed parkland fronts onto three public roads and will provide “eyes on the street” to and from the park, improving public safety.

Additionally, the proposed trail is in the general location for potential trail connection as shown on Schedule A of the ESSP. Its location at the northern end of the Subject Lands and the ESSP area will enable it to function as a buffer from the railway line.

#### 5.4.13 Summary of the Township Official Plan

Based on the foregoing analysis, the Applications conform with the policies of the Township OP.

## 6.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned Development (D) Zone and Environmental (EC) Conservation Zone in accordance with Zoning By-law NO. 2017-70 (See **Appendix E – Township Zoning By-law Map**).

The Township is currently going through a Housekeeping Amendment No. 8 of the Zoning By-law No, 2017-70 which introduces new zones and amends a number of regulations of existing zones. A new zone, i.e. Commercial Mixed (CM) Zone, along with its permitted uses and regulations, is introduced through the Housekeeping Amendment No. 8 of the Zoning By-law 2017-70 that the Township is undergoing. The latest version of regulations pertaining to all Medium and High Density Residential and Commercial zones was obtained through communication with staff on August 9, 2024. As part of the public consultation process, NPG submitted comments with respect to two (2) provisions under the CM Zone on August 14, 2024.

At the time of writing this report, the amended By-Law has not come into effect yet. However, for the purposes of the Zoning By-law Amendment Application, the proposed development has been assessed against the relevant regulations of the Draft Housekeeping Zoning By-law. In detail, the Application for Zoning By-law Amendment proposes to change the current zoning of the Subject Lands as follows to facilitate the development:

- Residential Low Density site-specific (R3-###) Zone: Blocks 4 through 13, Lots 14 through 16
- Residential Medium Density site-specific (RM2-###) Zone: Blocks 17 through 29
- Commercial Mixed site-specific (CM-###) Zone: Blocks 30 & 31
- Office and Business Park Employment site-specific (M1-###) Zone: Block 2
- Open Space (OS) Zone: Block 3
- Open Space (OS-###) Zone site-specific: Block 37
- Environmental Conservation (EC) Zone: Block 1
- Development site-specific (D-###) Zone: Blocks 32 & 33

A draft ZBA is included in included in **Appendix F – Draft Zoning By-law Amendment** to this PJR.

The following tables show compliance and any site-specific provisions that are required in respect of the proposed zoning categories for the Subject Lands:

**6.1.1 Residential Low Density (R3) Zone: Blocks 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13 and Lots 14, 15 & 16**

REGULATION	R3 ZONE REQUIREMENT	PROPOSED	COMPLIANCE
Permitted Uses	Principal Uses <ul style="list-style-type: none"> <li>Semi-detached</li> <li>Single-detached</li> </ul> Accessory Uses <ul style="list-style-type: none"> <li>Accessory buildings or structures and accessory uses (see s. 3.1)</li> </ul>	Semi-detached and single-detached dwelling units	<b>Yes</b>
Minimum lot area (per dwelling unit)	Single-detached dwelling– 300 m <sup>2</sup>	Single-detached: min. 500 m <sup>2</sup>	<b>Yes</b>
	Semi-detached dwelling – 450 m <sup>2</sup> (225 m <sup>2</sup> per unit)	Semi-detached dwelling: min.500 m <sup>2</sup> (250 m <sup>2</sup> per unit)	
Minimum lot frontage	Single-detached dwelling – 10 m	Single-detached dwelling – 12 m/unit	<b>Yes</b>
	Semi-detached dwelling – 18 m (9 m per unit)	Semi-detached dwelling – 17 m (8.5 m/unit)	<b>No</b>
Minimum front yard	Dwelling – 4.5 m	Dwelling – 4.5 m	<b>Yes</b>
	Private garage – 6 m	Private garage – 6 m	
Minimum exterior side yard	3m	3m	<b>Yes</b>
Minimum interior side yard	Dwelling – 1.2 m (0 metres common wall)	Dwelling - 1.2 m (0 metres common wall)	<b>Yes</b>
	Private garage – 0.6 m	Private garage - 0 metres (common wall)	<b>No</b>
Minimum rear yard	7.5 m	7.5	<b>Yes</b>

Maximum lot coverage	45%	45%	<b>Yes</b>
Maximum height	10 m	10 m	<b>Yes</b>
Minimum landscaped open space	25%	Min. 25%	<b>Yes</b>
Minimum number of parking spaces	Single detached and Semi-detached dwelling units: 2 per unit	2 spaces/ unit (one in tandem, one in private garage)	<b>Yes</b>
Minimum width of parking space in private residential garages	3.5 m	Min. 3.3 m	<b>No</b>

### **Analysis of Site-Specific Provisions from the R3 Zone:**

#### **Provision: Minimum lot frontage of semi-detached dwellings – 19 metres (8.5 metres/unit)**

The only site-specific provision proposed from the R3 zone is for a reduced lot frontage for semi-detached dwelling units. The proposed lot frontage is 8.5 metres per unit. Lots would be appropriately sized to accommodate parking and entrances on their respective streets and is also necessary to accommodate appropriate densities.

#### **Provision: Minimum interior side yard setback for garage sharing a common wall – 0 metres**

The intent of this site-specific provision is to allow for two garages to be constructed adjacent to one another where a common wall is shared.

#### **Provision: Minimum width of a parking space in private residential garages – 3.3 metres**

The intent of this site-specific provision is to permit private residential garages within single detached and semi-detached dwelling units to be more compact and not dominating the front dwelling facades. An interior width of 3.3 metres for attached garages is still able to accommodate movement of a typical automobile. The requested relief is consistent with comparable municipalities in Niagara. The following are select examples:

- Niagara-on-the-Lake: 3 metres;
- Welland: 3.35 metres;
- St. Catharines: 3.3 metres; and
- Grimsby: 2.9 metres

6.1.2 Residential Medium Density (RM2) Zone: Blocks 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 & 29

REGULATION	RM2 ZONE REQUIREMENT <sup>2</sup>	PROPOSED	COMPLIANCE
Permitted Uses	Principal Uses <ul style="list-style-type: none"> <li>Semi-detached dwelling</li> <li>Street townhouse dwelling</li> </ul>	Semi-detached dwelling (that are not part of a Registered Plan of Condominium or tied to a common elements condominium private street)	<b>No</b>
	Accessory Uses <ul style="list-style-type: none"> <li>Accessory buildings or structures and accessory uses (see s. 3.1)</li> </ul>	Street Townhouse Dwelling	<b>Yes</b>
Minimum lot area (per principal dwelling unit)	Semi-detached dwelling – 200 m <sup>2</sup>	Semi-detached: min. 258 m <sup>2</sup>	<b>Yes</b>
	Street townhouse dwelling - 180m <sup>2</sup>	Street Townhouse: min. 210 m <sup>2</sup>	
Minimum lot frontage	Street townhouse dwelling - 6m/unit	Street townhouse dwelling - 7m/unit	<b>Yes</b>
	Semi-detached dwelling - 8m/unit	Semi-detached dwelling – 8m/unit <sup>3</sup>	
Minimum front yard	Dwelling – 4.5 m	Dwelling – 4.5 m	<b>Yes</b>
	Private garage – 6 m	Private garage – 6 m	
Minimum exterior side yard	3m	3m	<b>Yes</b>
Minimum interior side yard	Adjoining a lot in a low density residential zone – 3 m	N/A	<b>Yes</b>
	Adjoining a lot in any other zone – 1.2 m	Adjoining a lot in any other zone – 1.2m	<b>Yes</b>
	Along common lot line of attached wall: 0 m	Along common lot line of attached wall: 0 m	<b>Yes</b>
Minimum rear yard	Adjoining a lot in a low density residential zone - 7.5 m	N/A	<b>Yes</b>
		6 m	<b>Yes</b>

<sup>2</sup> This column includes the zone requirements for RM2 from the Housekeeping Amendment No. 8 of the Zoning By-law and other existing regulations under the current Zoning By-law 2017-70 that are relevant to the discussion. Where different from one another, the regulation from the Housekeeping Amendment is highlighted in green while the existing regulation is highlighted in blue.

<sup>3</sup> Lot frontage is calculated based on the definition under Zoning By-law 2017-70, which is the length of a line that is setback from and parallel to the chord of the lot frontage by a distance equal to the minimum front yard of the applicable zone. The lot frontages are shown on the Concept Plan (Appendix A).



REGULATION	RM2 ZONE REQUIREMENT <sup>2</sup>	PROPOSED	COMPLIANCE
	Adjoining a lot in any other zone – 6 m		
Maximum lot coverage	50%	50%	<b>Yes</b>
Maximum height	12 m	12 m	<b>Yes</b>
Minimum landscaped open space	25%	Min. 25%	<b>Yes</b>
Minimum amenity area	Dwelling with 5 to 8 dwelling units on one lot: 20m <sup>2</sup> per dwelling unit plus 10m <sup>2</sup> per unit	Min. 40m <sup>2</sup> per dwelling unit plus 10m <sup>2</sup> per unit	<b>Yes</b>
Minimum number of parking spaces	Street townhouse dwelling: 1.75 space/ unit Semi-detached dwelling: 2 spaces/unit	Semi-detached: 2 spaces/ unit (one in tandem, one in private garage) Street Townhouse dwelling: 2 spaces/ unit (one in tandem, one in private garage)	<b>Yes</b>
Minimum width of parking space in private residential garages	3.5 m	Min. 3.3 m	<b>No</b>
Planting strip	Min. 1.5m wide planting strip along the interior side lot line and the rear lot line of a lot that is used for a dwelling with 5 or more dwelling units	No planting strip along interior side lot line and rear lot line of lot that is used for a street townhouse dwelling or a townhouse dwelling	<b>No</b>

**Analysis of Site-Specific Provisions from the RM2 Zone:**

**Provision: Semi-detached dwellings are permitted on lands not part of a Registered Plan of Condominium, within a Registered Plan of Condominium or be tied to a common elements condominium private street.**

The Draft Plan of Subdivision, and subsequently an exemption from Part Lot Control, would facilitate the development of sixteen (16) semi-detached dwelling units within the medium density designation. As such, these semi-detached dwelling units will not be within a Registered Plan of Condominium nor be tied to a common elements condominium private street. Semi-detached dwellings are necessary to accommodate the curvature of Street “C” and Street “D,” and to also address the potential for temporary turning circles that may be required until adjacent lands to the east may be developed.

The proposed semi-detached dwelling units would be compatible in terms of built form and maintain the street wall proposed to be established by adjacent street townhouse dwelling units.

**Provision: Minimum width of a parking space in private residential garages – 3.3 metres**

The intent of this site-specific provision is to permit private residential garages within semi-detached and street townhouse dwelling units to be more compact and not dominating the front dwelling facades. An interior width of 3.3 metres for attached garages is still able to accommodate movement of a typical automobile. The requested relief is consistent with comparable municipalities in Niagara. The following are select examples:

- Niagara-on-the-Lake: 3 metres;
- Welland: 3.35 metres;
- St. Catharines: 3.3 metres; and
- Grimsby: 2.9 metres

**Provision: No planting strip along interior side lot line and rear lot line of lot that is used for a street townhouse dwelling or a townhouse dwelling**

This technical amendment is needed to facilitate the construction of townhouse dwellings prior to the creation of individual lots through exemption from Part Lot Control.

Planting strips are required to mitigate impacts where potentially conflicting uses interface. All the Townhouse Blocks interface with either Townhouse Blocks or Semi-detached dwellings. These are both residential uses that will not cause any incompatibility. Additionally, minimum interior side yard width will be provided along these interfaces. For this reason, the requirement of landscape strips is not necessary.

### 6.1.3 Commercial Mixed (CM) Zone: Blocks 30 & 31

Township Planning Staff have requested the preparation of a Draft Zoning By-law Amendment that includes a new zone category Commercial Mixed (CM) Zone that would accommodate a mixed-use and higher density form of development

The CM Zone is intended to apply to Block 30 and Block 31 which would include a retirement home and an apartment building with commercial uses on the ground floor, respectively. The proposed developments on Block 30 and Block 31, as conceptually illustrated in Appendix A1, comply with most of the proposed regulations of the CM Zone, based on the August 2024 version of the Housekeeping Amendment, except for a number of site-specific amendments detailed in the below table. These site-specific amendments are consistent with the comments included in the NPG's letter dated August 14, 2024.

As the Housekeeping Zoning By-law has not come into effect yet, when it comes to the new CM zone, the Draft Zoning By-law includes all relevant provisions as per the August

2024 version, except when site-specific relief from these provisions is needed. In those instances, the site-specific amendments will be included instead. For ease of reading the Draft Zoning By-law, site-specific amendments from the CM Zone are identified in the below table and highlighted yellow in the text of the Draft Zoning By-law.

REGULATION	CM ZONE REQUIREMENT	PROPOSED	COMPLIANCE
<b>Permitted Uses</b>	Principal Uses <ul style="list-style-type: none"> <li>• Apartment dwelling</li> <li>• Art gallery</li> <li>• Communications establishment</li> <li>• Daycare</li> <li>• Dry cleaning/laundry depot</li> <li>• Financial institution</li> <li>• Office, including a medical office</li> <li>• Personal service shop</li> <li>• Place of entertainment</li> <li>• Private club</li> <li>• Restaurant</li> <li>• Retirement Home /Long Term Home Care Facility</li> <li>• Retail store</li> <li>• Service shop</li> <li>• Studio</li> <li>• Veterinary clinic</li> </ul> Accessory Uses <ul style="list-style-type: none"> <li>• Accessory buildings or structures and accessory uses</li> <li>• Renewable energy system (see s. 3.15)</li> </ul>	Block 30: Retirement home  Block 31: Apartment Dwelling and commercial uses that are permitted in the CM Zone	<b>Yes</b>
<b>Minimum lot area</b>	N/A	Block 30: 0.92 ha Block 31: 0.93 ha	<b>Yes</b>
<b>Lot frontage</b>	N/A	Block 30: 97.5 m Block 31: 56.2 m	<b>Yes</b>
<b>Minimum front yard</b>	Adjoining Regional Road 14 or 20 – 3 m	Block 30: 6 m Block 31: 6 m	<b>Yes</b>
<b>Minimum exterior side yard</b>	Other – 6 m	Block 30: N/A Block 31: 6 m	<b>Yes</b>
<b>Minimum interior side yard</b>	Other – 6 m	Block 30: 7.2 m (westerly side yard) Block 31: 10.1 m (westerly side yard)	<b>Yes</b>

REGULATION	CM ZONE REQUIREMENT	PROPOSED	COMPLIANCE
<b>Minimum rear yard</b>	Other - 6 m	Block 30: 39.2 m Block 31: 6.8 m	<b>Yes</b>
<b>Maximum lot coverage</b>	N/A	Block 30: 21% Block 31: 32%	<b>Yes</b>
<b>Minimum height</b>	N/A	Block 30: 6 storeys, 20.3 m Block 31: 8 storeys, 27.5 m	<b>Yes</b>
<b>Maximum height</b>	15 m		<b>No</b>
<b>Minimum landscaped open space</b>	N/A	Block 30: 44% Block 31: 37%	<b>Yes</b>
<b>Maximum outside storage</b>	Not permitted	None proposed	<b>Yes</b>
<b>Maximum gross leasable floor area</b>	Per commercial use - N/A  Total % of lot area – 50%  Dwelling Units may be permitted on the ground floor provided they do not occupy more than 50% of the ground floor of the building and provided no portion of the dwelling unit abuts the front wall of the building.	Total commercial GFA – 756 m <sup>2</sup> , 8.1% lot area  Dwelling units – 39% of ground floor and abut front wall of the building	<b>No</b>
<b>Minimum off street bicycle parking</b>	1 per dwelling unit  Retirement home: The lesser of 5 or 0.25 per lodging unit  Commercial: The greater of 2 or 1 per 1,000 m <sup>2</sup> of gross floor area  Block 30: 5 spaces  Block 31: 1 * 152 dwelling units + 2 spaces = 154 spaces	Bicycle parking spaces will be provided in accordance with prevailing Zoning By-law regulation at the time of Site Plan Application.	<b>Yes</b>
<b>Minimum off street loading space</b>	Commercial GFA between 451 - 900 m <sup>2</sup> : 1 space  Apartment dwelling with more than 50 units: 1  Retirement home: none required	Block 30: none Block 31: 1 space	<b>No</b>

REGULATION	CM ZONE REQUIREMENT	PROPOSED	COMPLIANCE
	Block 30: none required		
	Block 31: 2 spaces		
<b>Minimum Number of Parking Spaces</b>	Apartment or stacked townhouse dwelling: 1.75 spaces/ unit, or 266 spaces Commercial: between 1 space per 30 m <sup>2</sup> GFA and 1 space per 20 m <sup>2</sup> , or between 25 – 38 spaces Retirement home: 1 space per 2 lodging units Block 30: 138 lodging units <sup>4</sup> / 2 = 69 spaces Block 31: 291 – 304 spaces	Block 30: 104 spaces Block 31: 224 spaces	<b>No</b>

**Analysis of Site-Specific provisions for CM Zone based on the requirements of the CM Zone :**

**Provision: Maximum building height 28 metres / 8 storeys**

The proposed building height is required to conform to policies of the ESSP. The ESSP provides that the maximum building height in the mixed use designation shall be six (6) storeys. Increases in height beyond 6 storeys are permitted subject to an urban design brief which demonstrates that the proposed increase in height will maintain appropriate public realm and streetscape. An Urban Design Brief has been included with the submission package which confirms the increases in height protect the public realm while facilitating an active streetscape due to increased density and a mix of uses (please see Urban Design Brief prepared by NPG Planning Solutions dated September 2024 for more information). Further, the Subject Lands front onto an arterial Regional Road and a future collector road, the preferred location for development with larger heights which will function as a gateway into Smithville.

**Provision: Dwelling Units may be permitted on the ground floor provided they do not occupy more than 50% of the ground floor of the building. Remove restriction that dwelling units cannot abut the front wall of the building.**

The proposed provision regarding maximum Gross Leasable Floor Area responds to the ESSP which provides that Commercial Uses should be small scale in nature. Permitting dwelling unit abutting the front wall of the building facilitates the creation of a vibrant

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<sup>4</sup> The proposed retirement home consists of 35 bachelor units, 35 1-bedroom units and 34 2-bedroom units for a total of 138 lodging units.

streetscape by allowing residents to interact directly with the neighbourhood and providing greater “eyes-on-the-street” for increased safety. Removing this restriction also permits increased land use flexibility by providing the opportunity for commercial or residential development along the front wall of the building to respond to market needs.

**Provision: Regarding minimum off street loading space**

Provisions proposed regarding on-street loading spaces are necessary to allow for sharing of loading spaces between commercial and residential uses. The proposed development provides for one (1) off street loading space where two are required within the Zoning By-law. The Zoning By-law requires apartment buildings with greater than 50 units to have 1 loading space. Due to the infrequent use of loading spaces for residential uses the reduction in one (1) loading space is not anticipated to result in any significant conflicts.

**Provisions: Minimum of one 1.25 parking spaces per apartment dwelling unit; and minimum of one (1) parking space per 30 m<sup>2</sup> of Commercial GLFA**

The ESSP provides minimum densities for mixed use development. The Concept Plan included provides one option to achieve the planned densities. As demonstrated, parking relief is likely necessary to achieve planned densities. The proposed parking rate formula would ensure that each dwelling would be assigned at least one (1) parking space. In general, reduced parking is appropriate for mixed use and higher forms of development for the following reasons:

- Including a uniform parking space requirement of one (1) parking space per 30 m<sup>2</sup> of Commercial GLFA allows the use of commercial units to be flexible to respond to changing market conditions without requesting for planning relief through Minor Variance or Zoning By-law Amendment. This rate is also consistent with the Township’s rate for commercial uses not separately defined.
- Residents within mixed-use development tend to be less automobile dependent as daily necessities are in proximity.
- Reduced parking acknowledges shared parking arrangements, in which multiple uses (eg. residential and commercial) are not anticipated to have overlapping peak times.
- Reduced parking acknowledges a captive market that avoids double counting a vehicular trip with multiple destination (for example, patron visits both commercial and residential uses).
- The Draft Plan of Subdivision also includes a parking plan showing the provision of several informal on-streets parking spaces in proximity to Block 31.

6.1.4 Office and Business Park Employment (M1) Zone: Block 2

REGULATION	M1 ZONE REQUIREMENT	PROPOSED	COMPLIANCE
Permitted Uses	Principal Uses	Principal Uses: As per the parent zone,	No

	<ul style="list-style-type: none"> <li>• Animal shelter</li> <li>• Commercial kennel</li> <li>• Commercial school</li> <li>• Dry cleaning/laundry establishment</li> <li>• Office, including a medical office</li> <li>• Pet care establishment</li> <li>• Recreation facility</li> <li>• Studio</li> <li>• Veterinary clinic</li> <li>• Wayside pit or quarry (see s. 3.27)</li> </ul> <p>Accessory Uses</p> <ul style="list-style-type: none"> <li>• Accessory buildings or structures and accessory uses (see s. 3.1)</li> <li>• Outside storage</li> <li>• Renewable energy system (see s. 3.15)</li> <li>• Retail</li> </ul>	<p>plus:</p> <ul style="list-style-type: none"> <li>• Furniture Stores;</li> <li>• Hotel/Motel;</li> <li>• Health Clubs;</li> <li>• Personal Service Shops;</li> <li>• Retail Stores;</li> <li>• Restaurant;</li> </ul> <p>Removal of Commercial kennel as a Principal Use</p> <p>Accessory Uses</p> <ul style="list-style-type: none"> <li>• Accessory buildings or structures and accessory uses (see s. 3.1)</li> <li>• Outside storage</li> <li>• Renewable energy system (see s. 3.15)</li> </ul>	
Minimum lot area	2,000 m <sup>2</sup>	1.15 ha	<b>Yes</b>
Minimum lot frontage	30 m	220.3 m	<b>Yes</b>
Minimum front yard	15 m	3 m	<b>No</b>
Minimum exterior side yard	10 m	N/A	<b>Yes</b>
Minimum interior side yard	Adjoining a lot in a Residential Zone – 15 m	Easterly interior side yard – 13.4 m	<b>No</b>
	Other – 5 m	Westerly interior side yard – 23.1 m	<b>Yes</b>
Minimum rear yard	Adjoining a lot in a Residential Zone – 15 m	N/A	<b>Yes</b>
	Other – 7.5 m	40.7 m	<b>Yes</b>
Maximum lot coverage	50%	+/- 21%	<b>Yes</b>

Maximum height	10 m	Max. 10 m	<b>Yes</b>
Minimum landscaped open space	10% A minimum of 50% of required landscaped open space shall be located in the front yard	Min. 10%, or 1,115 m <sup>2</sup> Front yard landscaped open space: 550 - 609 m <sup>2</sup> , or 49% - 54.6% required landscaped open space <sup>5</sup>	<b>Yes</b> <b>No</b>
Maximum outside storage	5% (Outside storage for purposes other than outside display and sales areas on the lot shall be located in a rear yard or side yard and screened from view from public streets and adjacent lots)	Outside storage will be provided in accordance zoning provisions and confirmed through Site Plan Approval.	<b>Yes</b>
Maximum accessory retail gross leasable floor area	10% of gross floor area: 240 m <sup>2</sup>	NA	<b>Yes</b>
Minimum width of planting strip	Along the street line where a parking area is located adjacent to a public street: 1.5m	3 m	<b>Yes</b>
Minimum off street bicycle parking	The greater of 2 or 1 per 1,000 m <sup>2</sup> of gross floor area	This requirement will be provided for in accordance zoning provisions and confirmed through Site Plan Approval.	<b>Yes</b>
Minimum off street loading spaces	1,851 m <sup>2</sup> to 7,400 m <sup>2</sup> : 2 spaces	3 spaces	<b>Yes</b>
Minimum number of parking spaces	Various rates	This requirement will be provided for in accordance zoning provisions and confirmed through Site Plan Approval.	<b>Yes</b>
Maximum number of driveway permitted	For lots having a front lot line and/or exterior side lot line of 100 metres or more: 3	2	<b>Yes</b>

<sup>5</sup> Landscaped open space area in the front yard is at the minimum when a temporary turnaround at the end of Street “B” is in place and is at the maximum when this turnaround is removed.



### **Analysis of Site-Specific Provisions from the M1 Zone:**

**Provision: Add principal permitted uses being furniture stores, hotels/motels, health clubs, personal service shops, retail stores, and restaurants. Remove commercial kennel and wayside pit or quarry as principal uses. Remove retail store as accessory use.**

The M1 zoning category is the most appropriate for Block 2. The intent of the designation is to accommodate service commercial, small scale and self-contained plant or warehouse uses, and office uses. The uses within the M1 zone achieve the intent of the ESSP to act as a connecting centre for the neighbourhood and create opportunities for residents to obtain commercial services and employment opportunities requires to meeting their day-to-day needs. The additional uses proposed are specifically listed in Section 6.11.6.2.e of the ESSP. Proposed uses that are not specifically listed fall within the category of service commercial uses permitted within the ESSP and itemized in Section 6.8.1 of the Township OP. On the other hand, wayside pits and quarry is proposed to be removed from the list of principal uses as they are industrial uses and do not conform with policy 6.11.6.2.e.3 and 6.11.6.2.e.4 of the ESSP.

**Provision: No maximum retail gross floor area. Maximum 1,000 m<sup>2</sup> GLFA per commercial unit.**

Section 8.3 of the Township Zoning By-law provides that for the M1 zone, the maximum size of accessory retail GFA be restricted to 10% of the GFA. As retail stores are proposed to be added as a principal use to conform with the ESSP, this regulation is technically not relevant anymore and can be removed.

Nonetheless, the ESSP states that commercial uses within the Business Park designation should be small scale in nature and be developed up to a maximum of 1,000 m<sup>2</sup> of GLFA. Therefore, an additional regulation is proposed that limits the maximum GLFA of each commercial unit to 1,000 m<sup>2</sup>. This still facilitates small-scale commercial uses as envisioned in the ESSP but also ensures permitted commercial uses can be developed with the floor area necessary for their operations.

**Provision: Reduce required front yard setback to 3-metre**

This was requested by Township Planning Staff to create a pedestrian oriented streetscape along Street B. Reducing the minimum front yard setback to 3-metres would permit parking to be located at the rear of the buildings.

**Provision: Reduce required interior yard setback when adjoining a lot in a Residential Zone to 13-metre**

The requested relief is necessary to establish more of a street presence on Street "B" and ensure adequate separation distance from the railway line. The adjacent lands to the east of Block 2 are designated Special Policy Area 1 which permits medium density residential

uses subject to a land use compatibility study. It is our understanding the adjacent lands to the east are proposed to be developed for back-to-back townhouse dwellings. From a conceptual plan that was shared by the adjacent landowner in July 2024, the nearest dwelling is approximately 49 metres away from the nearest business park building on Block 2. Additionally, there is also a 6-metre buffer between the nearest driveway on Block 2 and the shared lot line.

**Provision: Eliminate the requirement that 50% of required Landscaped Open Space be located in the Front Yard**

With proposed reductions in front yard setbacks, this provision is no longer relevant. Requiring 50% of the landscaped open space to be located in such a small area can restrict the flexibility of designing functional commercial space. By removing this requirement, the business park block can optimize its layout for better pedestrian movement within the site, more efficient vehicular circulation. As shown in Appendix A, the 3-metres front yard setback could still accommodate landscaping to beautify this street frontage. The extent and nature of this landscaped treatment will be finalized through the future Site Plan Application.

6.1.5 Open Space (OS) Zone: Block 3

REGULATION	OS ZONE REQUIREMENT	PROPOSED	COMPLIANCE
<b>Permitted Uses</b>	Principal Uses <ul style="list-style-type: none"> <li>• Camping establishment</li> <li>• Cemetery</li> <li>• Private or Public Park</li> </ul> Accessory Uses <ul style="list-style-type: none"> <li>• Accessory buildings or structures and accessory uses (see s. 3.1)</li> <li>• Renewable energy system (see s. 3.15)</li> </ul>	Public Park	<b>Yes</b>

There are no site-specific provisions requested for Open Space (OS) Zone, which would apply to Block 3.

### 6.1.6 Open Space (OS) Zone: Block 37

REGULATION	OS ZONE REQUIREMENT	PROPOSED	COMPLIANCE
<b>Permitted Uses</b>	Principal Uses <ul style="list-style-type: none"> <li>• Camping establishment</li> <li>• Cemetery</li> <li>• Private or Public Park</li> </ul> Accessory Uses <ul style="list-style-type: none"> <li>• Accessory buildings or structures and accessory uses (see s. 3.1)</li> <li>• Renewable energy system (see s. 3.15)</li> </ul>	<ul style="list-style-type: none"> <li>• Public Trail</li> <li>• An acoustic barrier</li> </ul>	<b>No</b>
<b>Minimum Yards</b>	Front & Exterior yard: 7.5 m Interior Yard: adjoining a lot in a Residential Zone – 7.5m; other – 5 m Rear Yard: 7.5 m	None	<b>No</b>
<b>Lot Requirement</b>	Have frontage on public street	No frontage on public street	<b>No</b>

#### Analysis of Site-Specific Provisions from the OS Zone:

##### **Provision: Add acoustic barrier as a principal use.**

Block 37 is proposed to accommodate a 5m wide trail along the northern property line. The provision to add an acoustic barrier as a principal use is proposed to provide noise protection from the Canadian Pacific Railway Lands to the north, as recommended by the Land Use Compatibility Study by HGC Engineering. The intent of the OS zone is to provide space for passive recreational uses and permitting an acoustic barrier will maintain this intent.

##### **Provision: No minimum yard requirements for an acoustic barrier.**

Due to the nature of an acoustic barrier, this structure may need to abut the northerly, westerly and easterly lot lines for optimal function. I. No land use compatibility issues are anticipated due to this provision.

##### **Provision: No requirement for a lot to front on public street.**

The proposed Block 37 is designed for pedestrian use, running east-west with connections to the lands to the east. It will be dedicated to the Township for public use and maintain public connectivity, despite having no frontage on a public street, satisfying the intent of the Zoning By-law.

### 6.1.7 Environmental Conservation (EC) Zone: Block 1

REGULATION	EC ZONE REQUIREMENT	PROPOSED	COMPLIANCE
<b>Permitted Uses</b>	Principal Uses <ul style="list-style-type: none"> <li>• Conservation use</li> <li>• Existing uses, buildings and structures</li> <li>• Public park for passive recreation</li> </ul> Accessory Uses <ul style="list-style-type: none"> <li>• Accessory buildings or structures and accessory uses</li> </ul>	Conservation Uses	<b>Yes</b>

There are no site-specific provisions requested for the Environmental Conservation (EC) Zone, which would apply to Block 1.

### 6.1.8 Development (D) Zone: Block 32 & Block 33

REGULATION	D ZONE REQUIREMENT	PROPOSED	COMPLIANCE
<b>Permitted Uses</b>	Principal Uses <ul style="list-style-type: none"> <li>• Conservation use</li> <li>• Public park for passive recreation</li> <li>• Single detached dwelling on existing lot of record, in accordance with R1A Zone regulations</li> </ul> Accessory Uses <ul style="list-style-type: none"> <li>• Accessory buildings or structures and accessory uses (see s. 3.1)</li> </ul>	No uses are proposed.	<b>Yes</b>
<b>Minimum lot area</b>	Existing	Block 32: Reduced following approval of Plan of Subdivision  Block 33: Reduced following approval of Plan of Subdivision	<b>No</b>
<b>Minimum lot frontage</b>	Existing	Block 32: Reduced following approval of Plan of Subdivision  Block 33: Reduced following approval of Plan of Subdivision	<b>No</b>

**Provision: Delete provisions for lot area and lot frontage for Block 32 and Block 33**

Blocks 32 and 33 are zoned Development (D). These blocks are not proposed to be development at this time. The Development (D) Zone applies to areas where only existing uses are permitted, and development of the land is subject to future amendments to the Zoning By-law and potentially other planning approvals prior to development. Blocks 32 and 33 would be left over through the development of the Subject Lands. The development of Blocks 32 and 33 would require their consolidation with adjacent lands. As per Section 12.3 of the Township Zoning By-law, lot frontage and lot area are “as existing.” The site-specific provision would allow ensure that Blocks 32 and 33 continue to be in conformity with the Zoning By-law following the development of the Subject Lands.

## 7.0 Summary and Conclusion

It is our opinion the Applications represent good land use planning, and are in the public interest and should be approved for the following reasons:

1. The Applications have regard to matters of Provincial Interest, as required in Section 2 of the Planning Act.
2. The Applications are consistent with the Provincial Planning Statement, conforms with the Niagara OP, and Township OP.
3. The Applications implement Greenfield Development as planned in the ESSP and would facilitate compact form and contribute to complete communities, contributing to the range of housing options required to meet the social, health, economic and well-being requirements of current and future residents.
4. The Applications would provide for development that would ensure the efficient use of lands, services and infrastructure.
5. The Applications would facilitate development that is well-designed as demonstrated in the Urban Design Brief submitted in conjunction with this Application.
6. Provided appropriate mitigation measures are incorporated, the proposed development is compatible with and would not impact natural heritage features, the CP rail line, Regional Roads, and industrial use on and in proximity to the Subject Lands.
- 7.

Report prepared by:



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



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**Jesse Auspitz, MCIP, RPP**  
Senior Planner  
*NPG Planning Solutions Inc.*



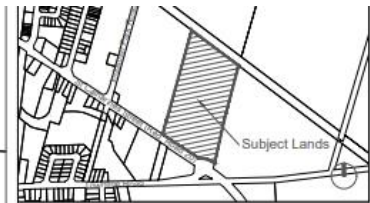
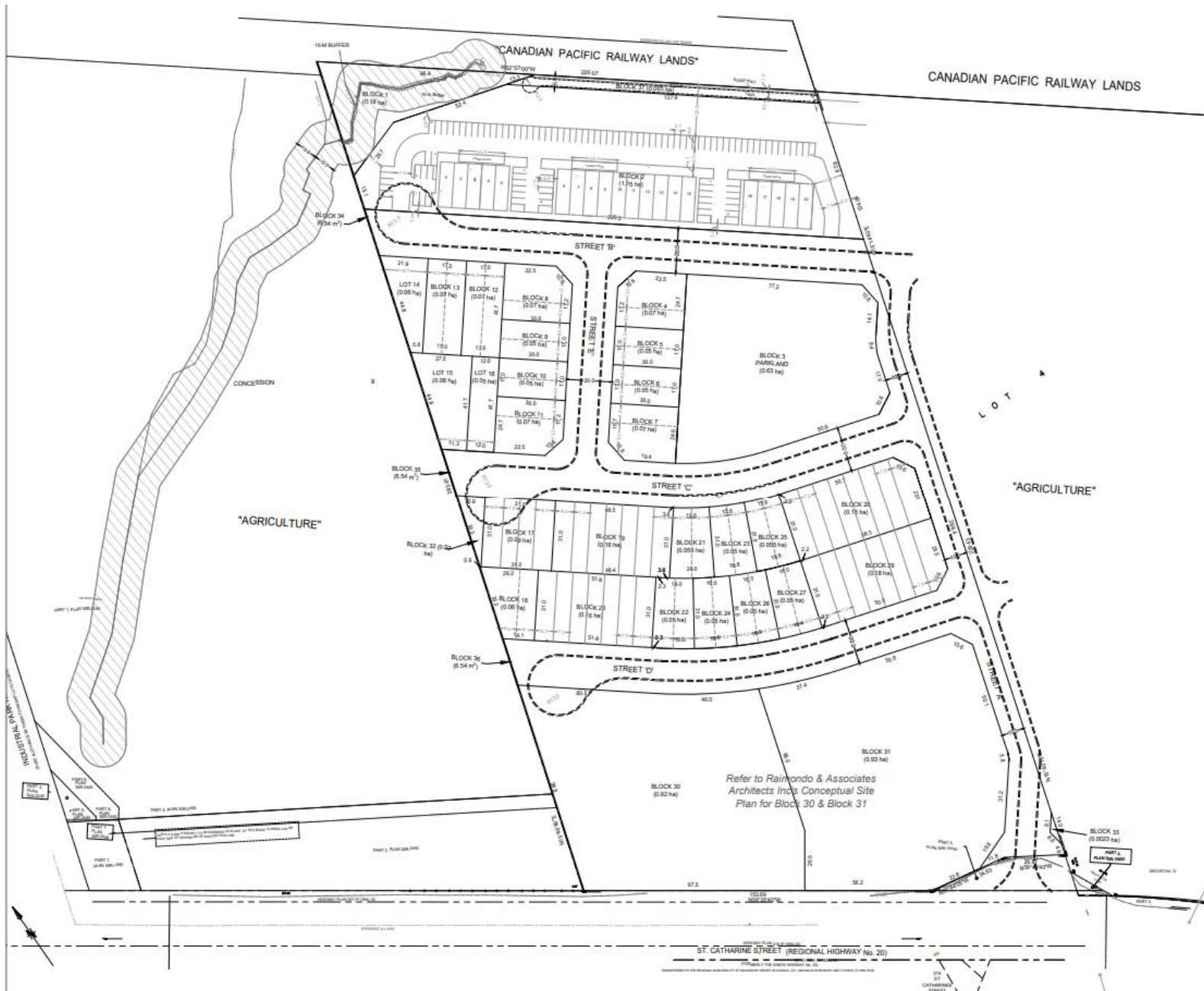
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**Jeremy Tran, MCIP, RPP, MPlan**  
Senior Planner/ Urban Designer  
*NPG Planning Solutions Inc.*

## 8.0 Appendices

- **Appendix A – Conceptual Plan**
- **Appendix A1 – Architectural Drawings Block 30 and Block 31**
- **Appendix B – Draft Plan of Subdivision**
- **Appendix B1 – Draft Overlaid with East Smithville Secondary Plan**
- **Appendix C – Niagara Official Plan Schedules**
- **Appendix D – Township Official Plan Schedules**
- **Appendix E – Township Zoning By-law Map**
- **Appendix F – Draft Zoning By-law Amendment**

# Appendix A – Concept Plan



**LEGAL DESCRIPTION**  
 PART LOT 5, CONCESSION 9 SOUTH GRASSY AS IN ROB91284, SAVE AND EXCEPT PART 3, PLAN 2015/01; TOWNSHIP OF WAINLEST

**LAND USE SCHEDULE**

LAND USE	BLOCK/ LOT NO.	NO. OF UNITS	AREA (HA)	AREA (%)
Environmental Conservation	1	0	0.18	2.3%
Business Park	2	20	1.15	15.0%
Parkland Dedication (for Subject Lands)	3	0	0.30	3.8%
Parkland Dedication (for other Lands)	34, 15, 16	3	0.18	2.4%
Single Detached	14, 15, 16	3	0.18	2.4%
Semi-Detached	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 21, 22, 23, 24, 25, 26, 27	30	1.07	14.0%
Street Townhouse	17, 18, 20, 20, 20, 21	34	0.79	10.2%
Retirement Home	30	104	0.92	12.0%
Mixed Use Apartment	31	152	0.93	12.1%
Future Development	32, 33	0.02	0.3%	
One-Foot Reserve	34, 35, 36	0.032	0.4%	
Trail	37	0.095	1.2%	
Right of way		1.74	22.7%	
<b>TOTAL</b>		<b>340</b>	<b>7.68</b>	<b>100%</b>

**REVISIONS**

NO.	DATE	REVISION	BY
1	2023-08-14	1st Draft Plan	JT
2	2023-09-12	2nd Draft Plan	JT
3	2023-10-23	Edits to blocks	AM
4	2023-12-12	Revisions to address comments	JT
5	2024-08-20	Revision to address comments	JT

**PRELIMINARY CONCEPT PLAN**  
 LANDS NORTH OF ST. CATHARINES STREET,  
 TOWNSHIP OF WEST LINCOLN

For: KAINTHVILLE HOLDINGS INC. Scale: 1:750  
 Drawing No.: 21751.3.7 Date: August 20, 2024

THIS DOCUMENT IS PRELIMINARY AND IS NOT TO BE USED FOR CONSTRUCTION. FOR MORE INFORMATION, PLEASE CONTACT THE PLANNING DEPARTMENT OF THE TOWNSHIP OF WEST LINCOLN. THE TOWNSHIP OF WEST LINCOLN IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION OR THE DATA PROVIDED HEREIN. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL ENGINEER OR ARCHITECT. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL LAND SURVEYOR. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL ENVIRONMENTAL SCIENTIST. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL GEOLOGIST. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL HISTORIC PRESERVATION SPECIALIST. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL SOCIAL SCIENTIST. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL TRANSPORTATION ENGINEER. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL WATER RESOURCES ENGINEER. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL WASTE ENGINEER. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL WEATHER ENGINEER. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL WIND ENGINEER. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL WOOD ENGINEER. THE TOWNSHIP OF WEST LINCOLN IS NOT A PROFESSIONAL YACHT ENGINEER.

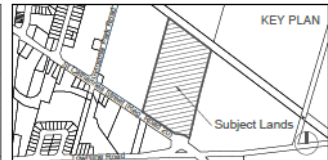
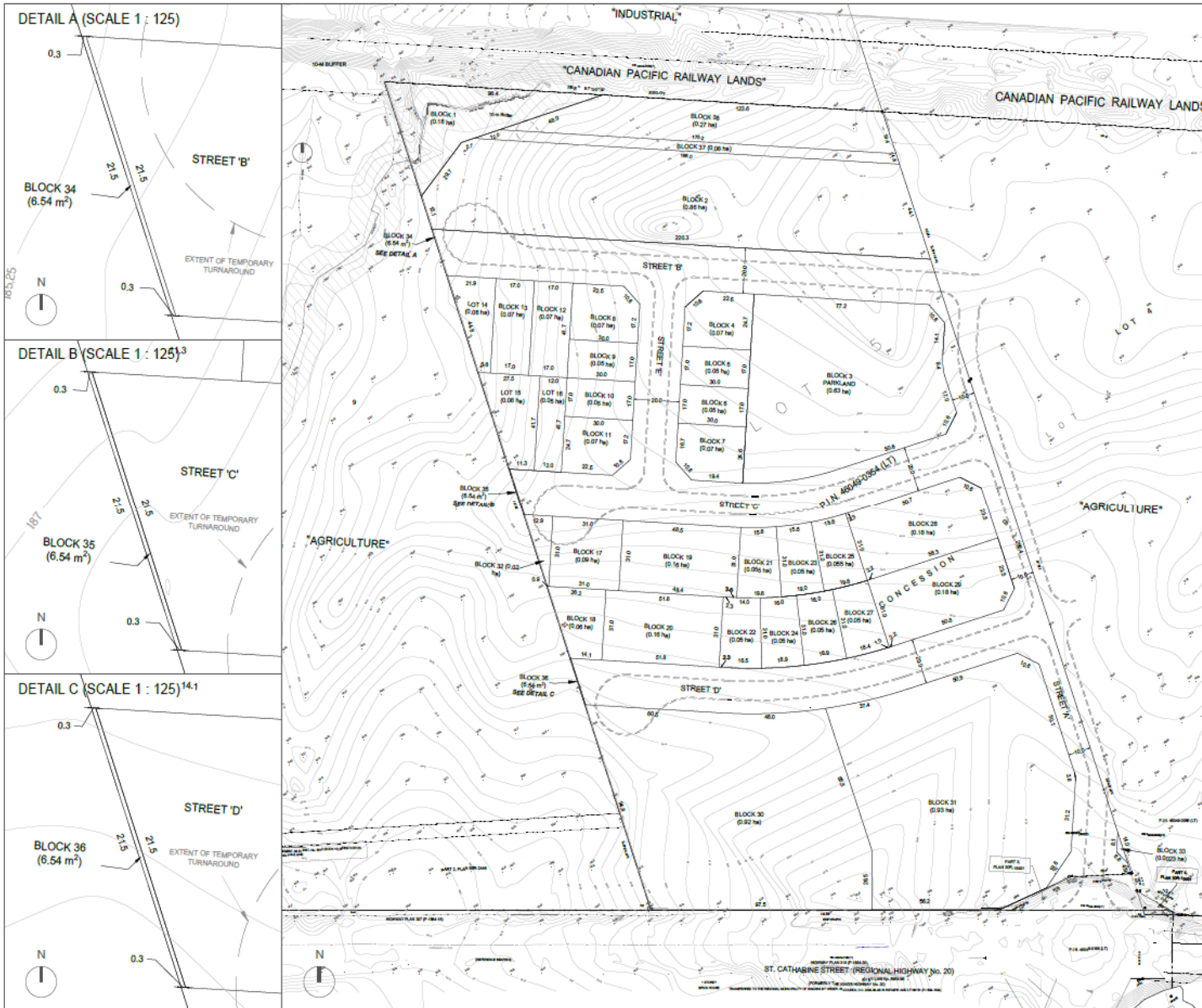




Appendix A1 – Architectural Drawings for Block 30 and Block 31



## Appendix B – Draft Plan



**LEGAL DESCRIPTION**  
PART 1 OF 5, CONCESSION 9 SOUTH GRIMSBY AS IN R091254, SAVE AND EXCEPT PART 3, PLAN 30R15461; TOWNSHIP OF WAINFLEET

**OWNER'S CERTIFICATE**  
I hereby authorize the firm of NPG Planning Solutions Inc. to submit the proposed Plan of Subdivision.  
Owner: (WAINFLEET HOLDINGS INC.) Date: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**  
I hereby certify that the boundary of the lands to be subdivided as shown on this plan and their relationship to the adjacent lands are accurately and correctly shown.  
HARRY KALANTZAKOS  
Ontario Land Surveyor Date: \_\_\_\_\_

**REQUIREMENTS UNDER SECTION 51(17) OF THE PLANNING ACT, 1990 (AS AMENDED)**  
 a) SEE PLAN  
 b) SEE PLAN  
 c) SEE KEY PLAN  
 d) RESIDENTIAL, COMMERCIAL, EMPLOYMENT AND FARM BLOCK  
 e) SEE PLAN  
 f) SEE PLAN  
 g) SEE PLAN  
 h) MUNICIPAL PIPED WATER  
 i) SILTY CLAY, SAND AND GRAVEL  
 j) SEE PLAN  
 k) MUNICIPAL PIPED WATER AND SANITARY SEWER  
 l) SEE PLAN

**LAND USE SCHEDULE**

LAND USE	BLOCK/LOT NO.	NO. OF UNITS	AREA (HA)	PERCENT
Environmental Conservation	1	0	0.18	2.3%
Business Park	2, 38	20	1.13	14.7%
Parkland Dedication (for Subject Lands)	3	0	0.30	3.9%
Parkland Dedication (for other Lands)	14, 15, 16	3	0.33	4.4%
Single Detached	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 21, 22, 23, 24, 25, 26, 27	36	1.07	14.0%
Street Townhouse	17, 19, 20, 28, 29	34	0.79	10.3%
Stacked Townhouse	30	81	0.92	12.2%
Apartment	31	91	0.92	12.1%
Future Development	32, 33	0	0.02	0.3%
Open Foot Reserve	34, 35, 36	0	0.002	0.03%
Trial	37	0	0.06	0.77%
Right of way		1	1.74	22.8%
<b>TOTAL</b>		<b>268</b>	<b>7.88</b>	<b>100%</b>

**REVISIONS**

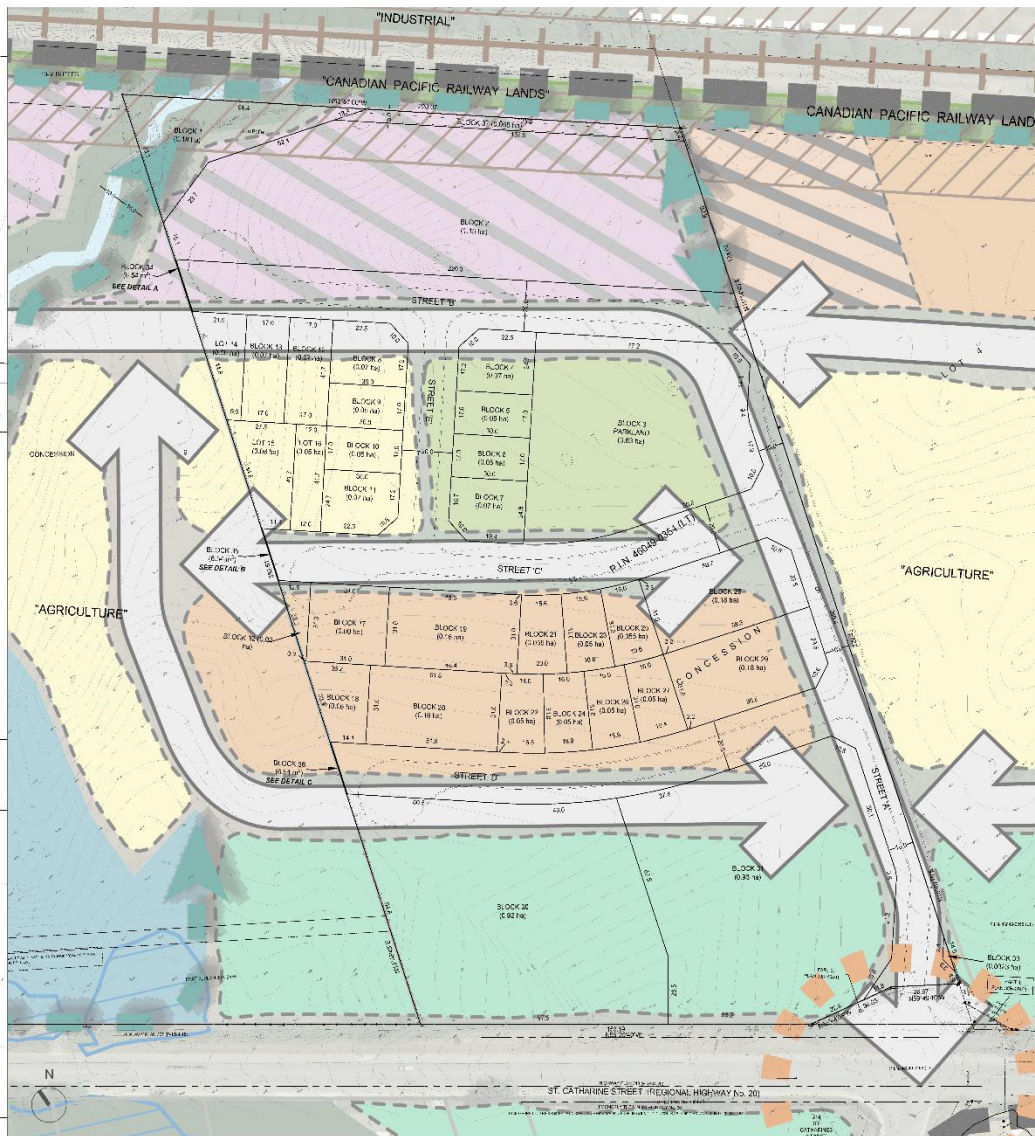
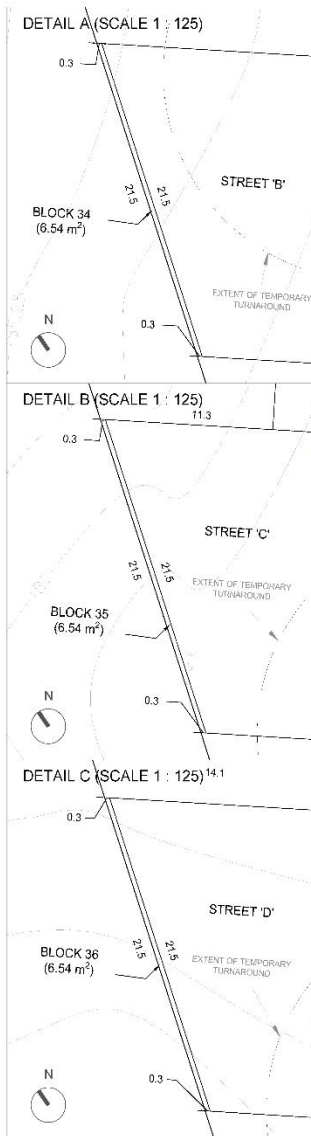
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2	2023-09-12	Draft Plan (Rev. 1)	JT	5	2023-04-15	Draft Plan (Rev. 1)	JT
3	2023-11-01	Draft Plan (Rev. 2)	JT				

**DRAFT PLAN OF SUBDIVISION**  
LANDS ON THE NORTH SIDE OF ST. CATHARINES STREET, TOWNSHIP OF WEST LINCOLN  
For: WAINFLEET HOLDINGS INC. Scale: 1:750  
Drawing No.: 21781.3.7 Date: April 15, 2024

THE INFORMATION ON THIS PLAN WAS OBTAINED FROM RECORDS FOR WHICH THE ORIGINAL PROVIDER AND THE RECORDS OF PLANNING SOLUTIONS INC. ARE NOT RESPONSIBLE. THE INFORMATION ON THIS PLAN WAS OBTAINED FROM RECORDS FOR WHICH THE ORIGINAL PROVIDER AND THE RECORDS OF PLANNING SOLUTIONS INC. ARE NOT RESPONSIBLE. THE INFORMATION ON THIS PLAN WAS OBTAINED FROM RECORDS FOR WHICH THE ORIGINAL PROVIDER AND THE RECORDS OF PLANNING SOLUTIONS INC. ARE NOT RESPONSIBLE.



# Appendix B1 – Draft Plan Overlayed with East Smithville Secondary Plan



KEY PLAN

Subject Lands

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**LEGAL DESCRIPTION**

PART OF LOT 5, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF SOUTH GRIMES (AS IN NOTION), TOWN AND COUNTY OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA

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**OWNER'S CERTIFICATE**

I hereby certify that the firm of NPG Planning Solutions Inc. is authorized to prepare this proposed Plan of Subdivision.

OWNER: KANATHVILLE HOLDINGS INC. Date: \_\_\_\_\_

---

**SURVEYOR'S CERTIFICATE**

I hereby certify that the boundary of the lands to be subdivided as shown on this plan and the relationships to the adjacent lands are correctly shown as indicated above.

SURVEYOR: VIKI VETTER Date: \_\_\_\_\_

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**REQUIREMENTS UNDER SECTION 51(17) OF THE PLANNING ACT, 1990 (AS AMENDED)**

a) SEE PLAN	b) SEE PLAN
c) SEE KEY PLAN	c) MUNICIPAL FINED WATER
d) SEE PLAN	d) SILTY CLAY, SAND AND GRAVEL
e) SEE PLAN	e) MUNICIPAL FINED WATER
f) SEE PLAN	f) SEE PLAN

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**LAND USE SCHEDULE**

LAND USE	BLOCK/LOT NO.	NO. OF UNITS	AREA (HA)	AREA (%)
Environmental Conservation	1	0	0.18	2.3%
Business Park	2	20	1.15	15.0%
Unimproved Dedication for Subdiv. Purp.	3	0	0.90	9.9%
Parkland Dedication (for other Lands)			0.33	4.4%
Single Detached	14, 15, 16	3	0.18	2.4%
Semi-Detached	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 21, 22, 23, 24, 25, 26, 27	35	1.91	24.9%
Street Frontages			0.16	2.0%
Recreational Land	17, 18, 22, 28, 29	104	5.22	68.2%
Mixed Use Apartment	31	182	0.93	12.1%
Future Development	32, 33	0.17	0.9%	
One Foot Reserve	34, 35, 36	0.002	0.003%	
Till	37	0.055	0.8%	
Right of Way		0.74	9.7%	
<b>TOTAL</b>		<b>349</b>	<b>7.88</b>	<b>100%</b>

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**REVISIONS**

NO.	DATE	REVISION	BY	NO.	DATE	REVISION	BY
1	2024-01-11	2-DRAWING	ST	1	2024-01-11	2-DRAWING	ST
2	2024-01-22	1-44 REVISIONS	ST	2	2024-01-22	1-44 REVISIONS	ST
3	2024-01-24	1-44 REVISIONS	ST	3	2024-01-24	1-44 REVISIONS	ST

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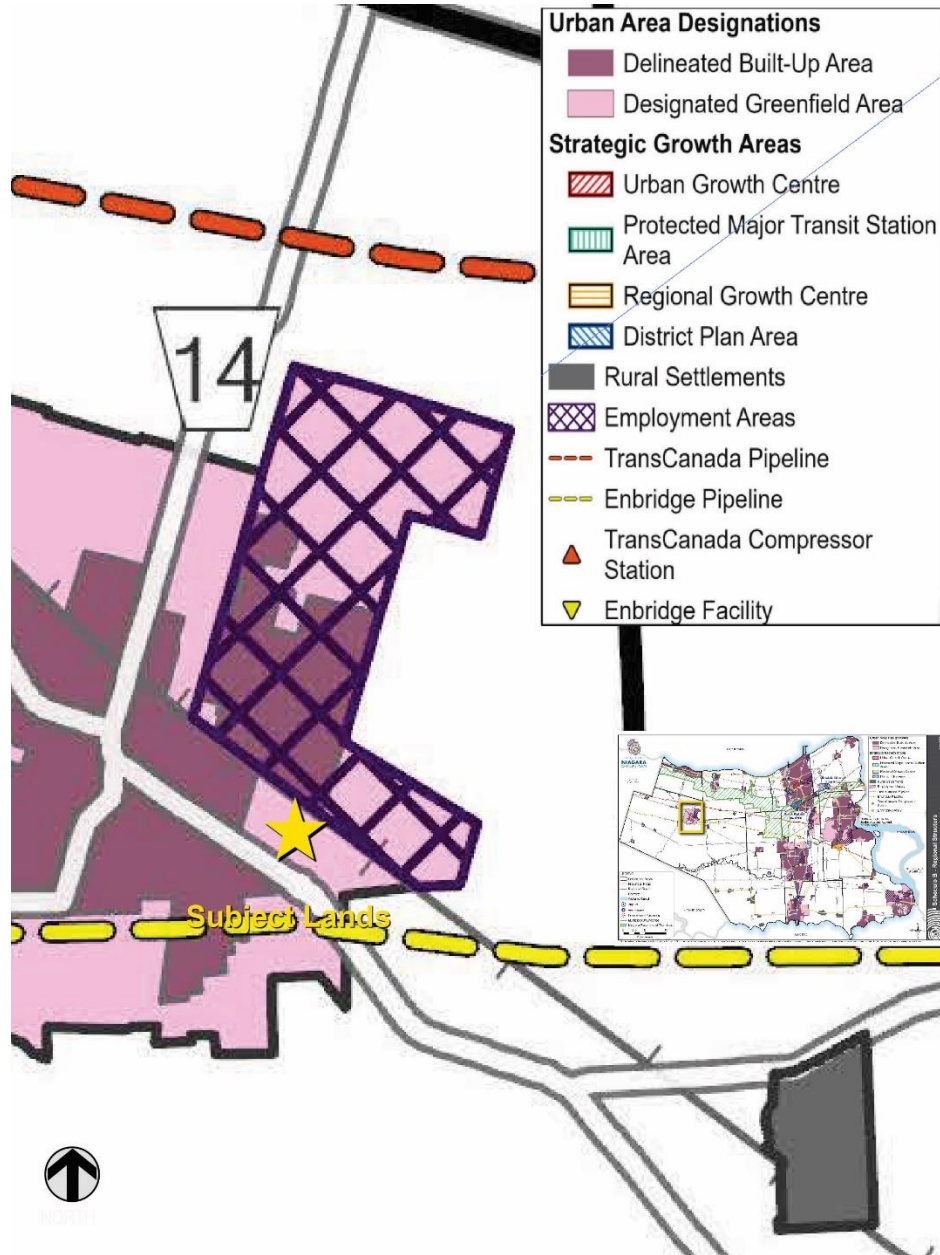
**DRAFT PLAN OF SUBDIVISION**

LANDS ON THE NORTH SIDE OF ST. CATHERINES STREET, TOWNSHIP OF WEST LINCOLN

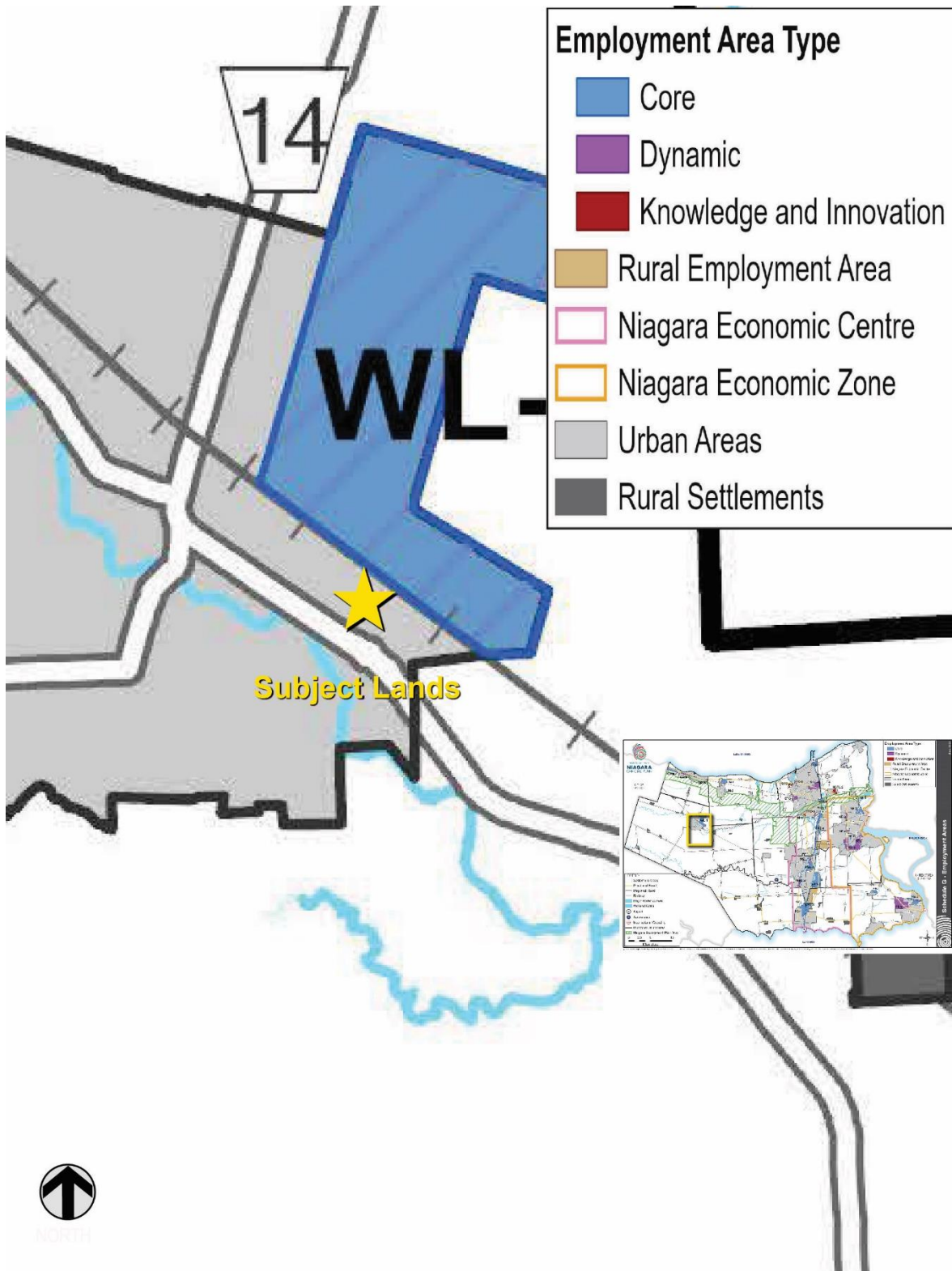
FOR: KANATHVILLE HOLDINGS INC. Scale: 1:750  
 Drawing No.: 27512.7 Date: August 22, 2024

THIS PLAN IS A PRELIMINARY PLAN OF SUBDIVISION. IT IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT IS PREPARED. THE OWNER OF THE LANDS TO BE SUBDIVIDED SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES. THE PLAN IS SUBJECT TO CHANGE WITHOUT NOTICE. THE PLAN IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT IS PREPARED.

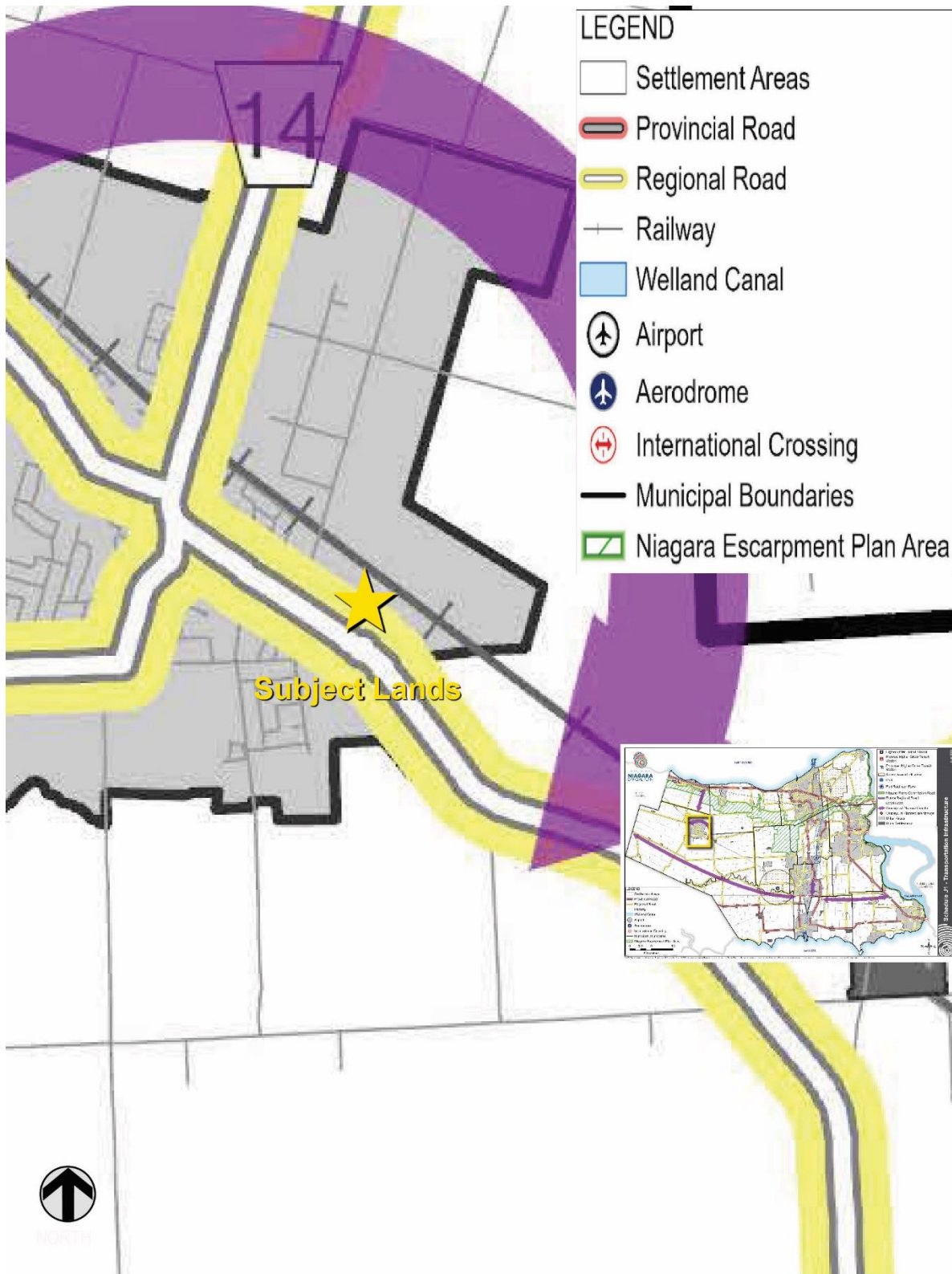
Appendix C - Niagara Official Plan Schedules  
Schedule B – Regional Structure



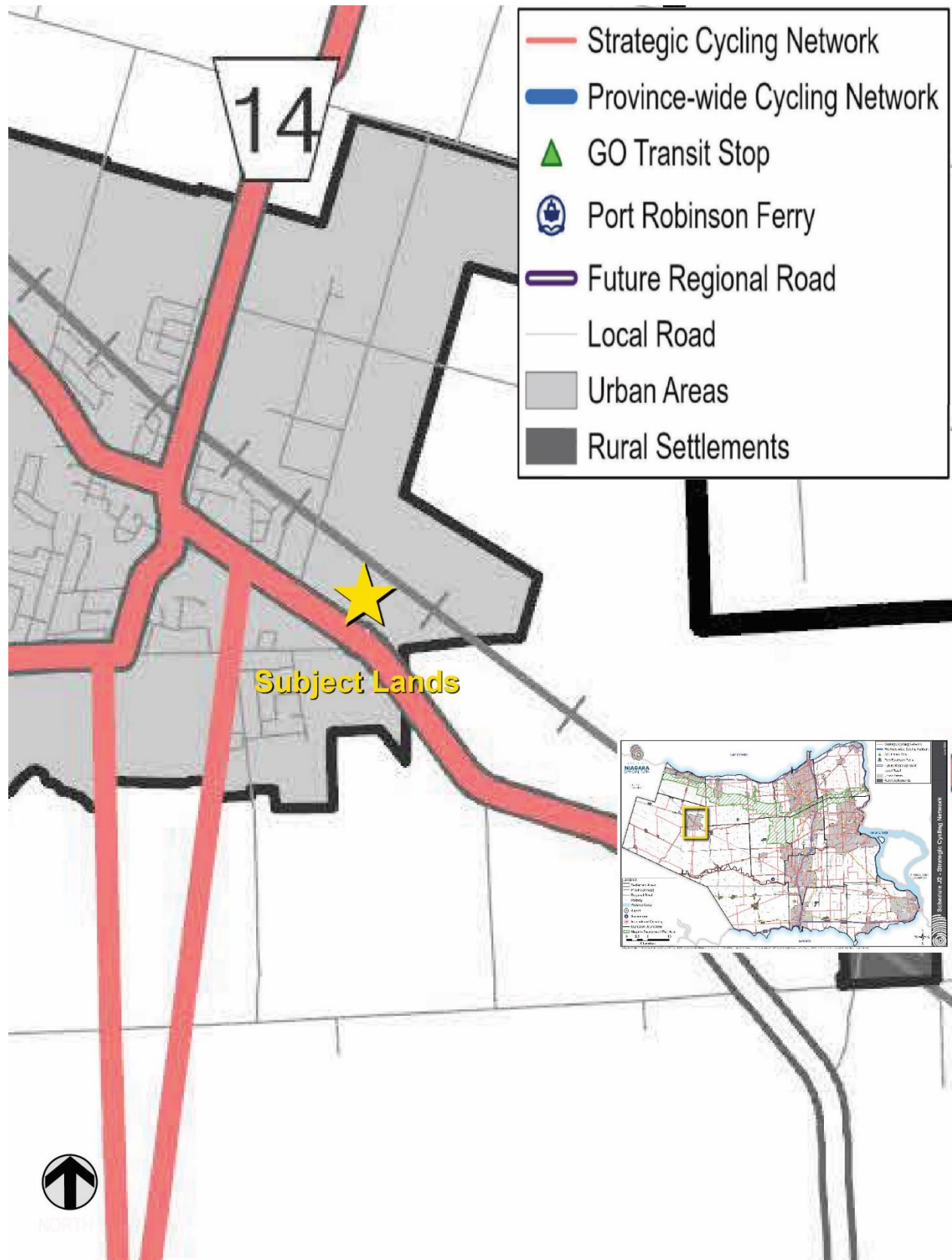
Schedule G – Employment Areas



Schedule J1 - Transportation Infrastructure

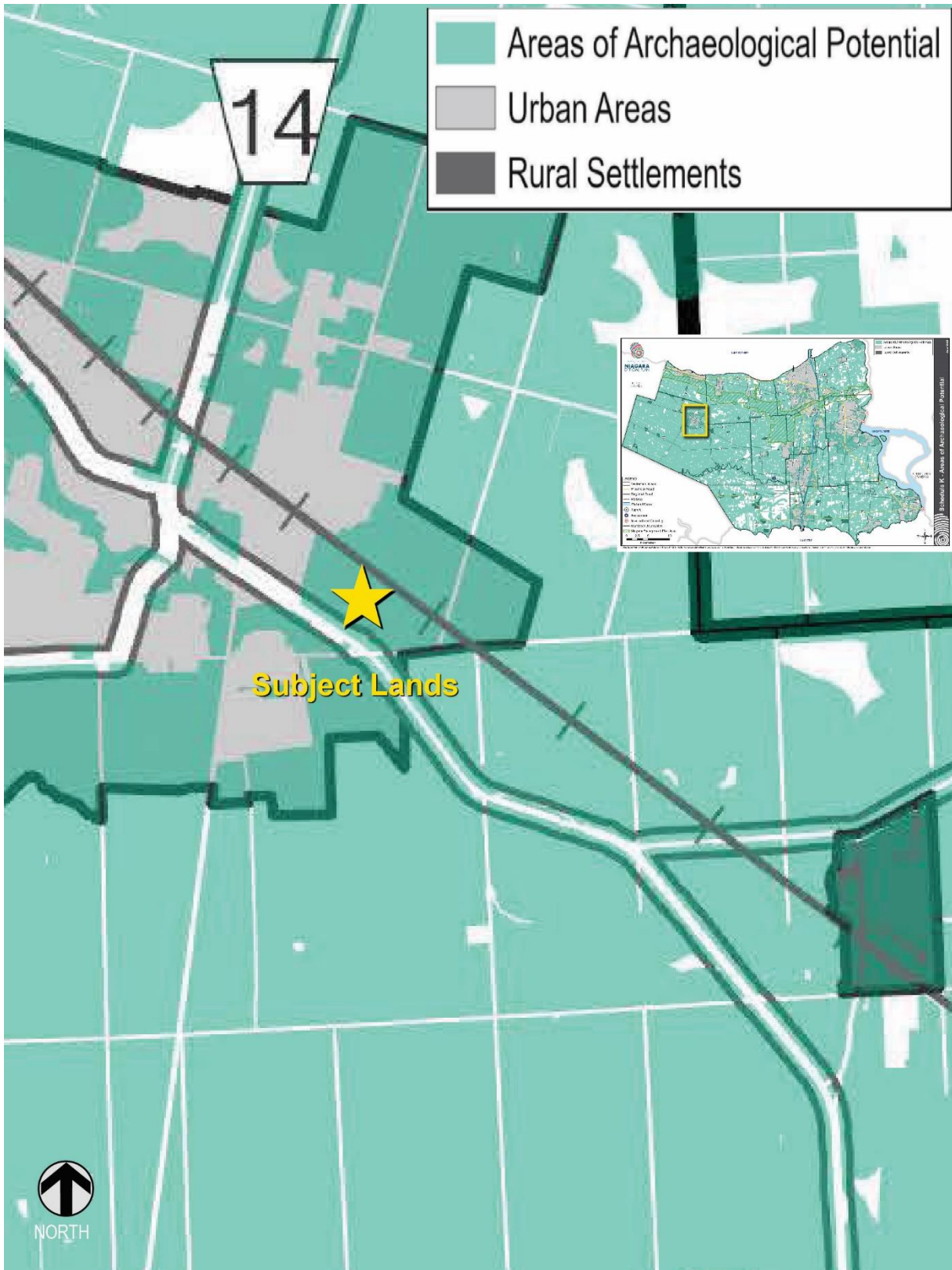


Schedule J2 - Strategic Cycling Network





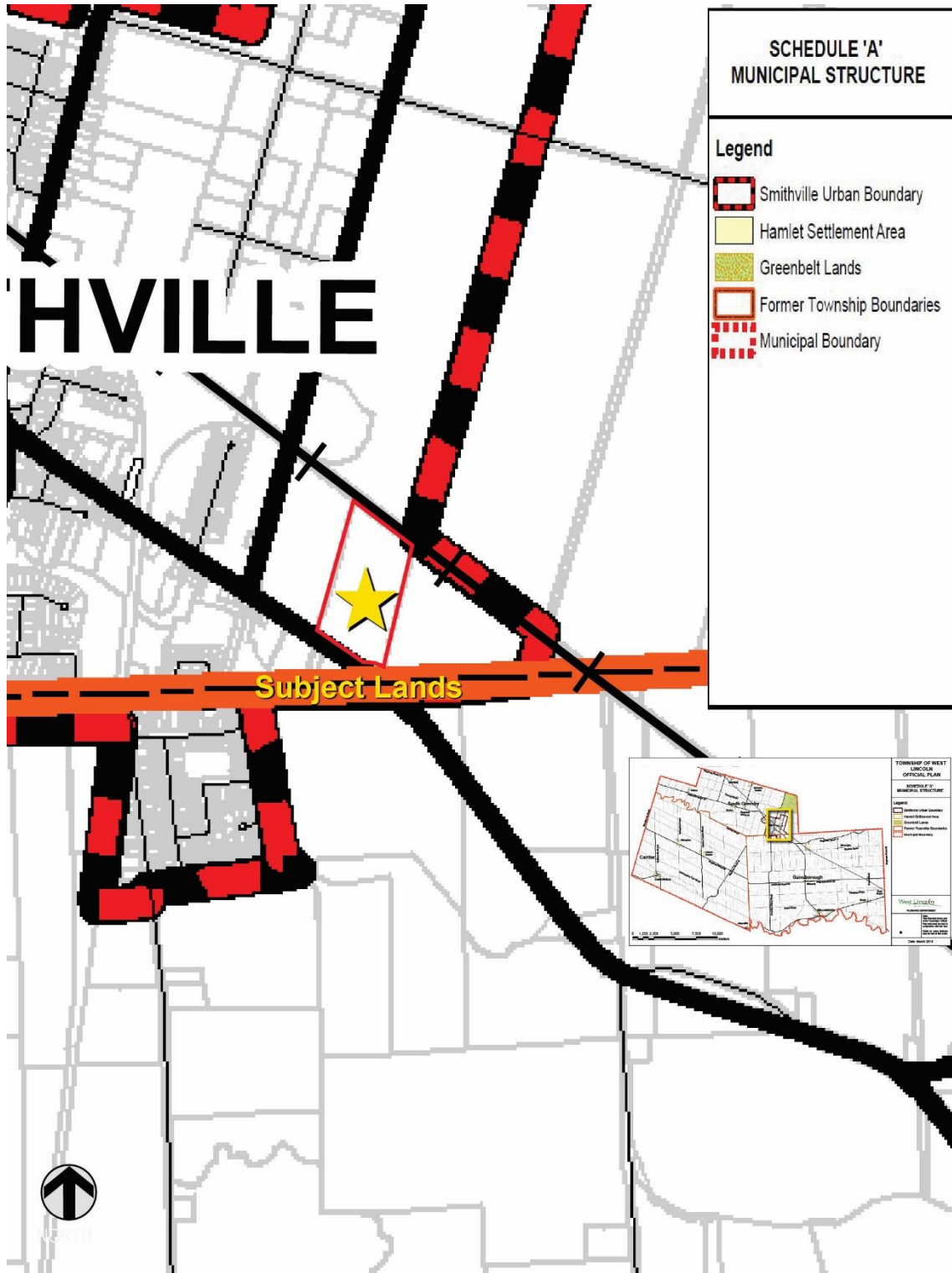
Schedule K - Areas of Archaeological Potential



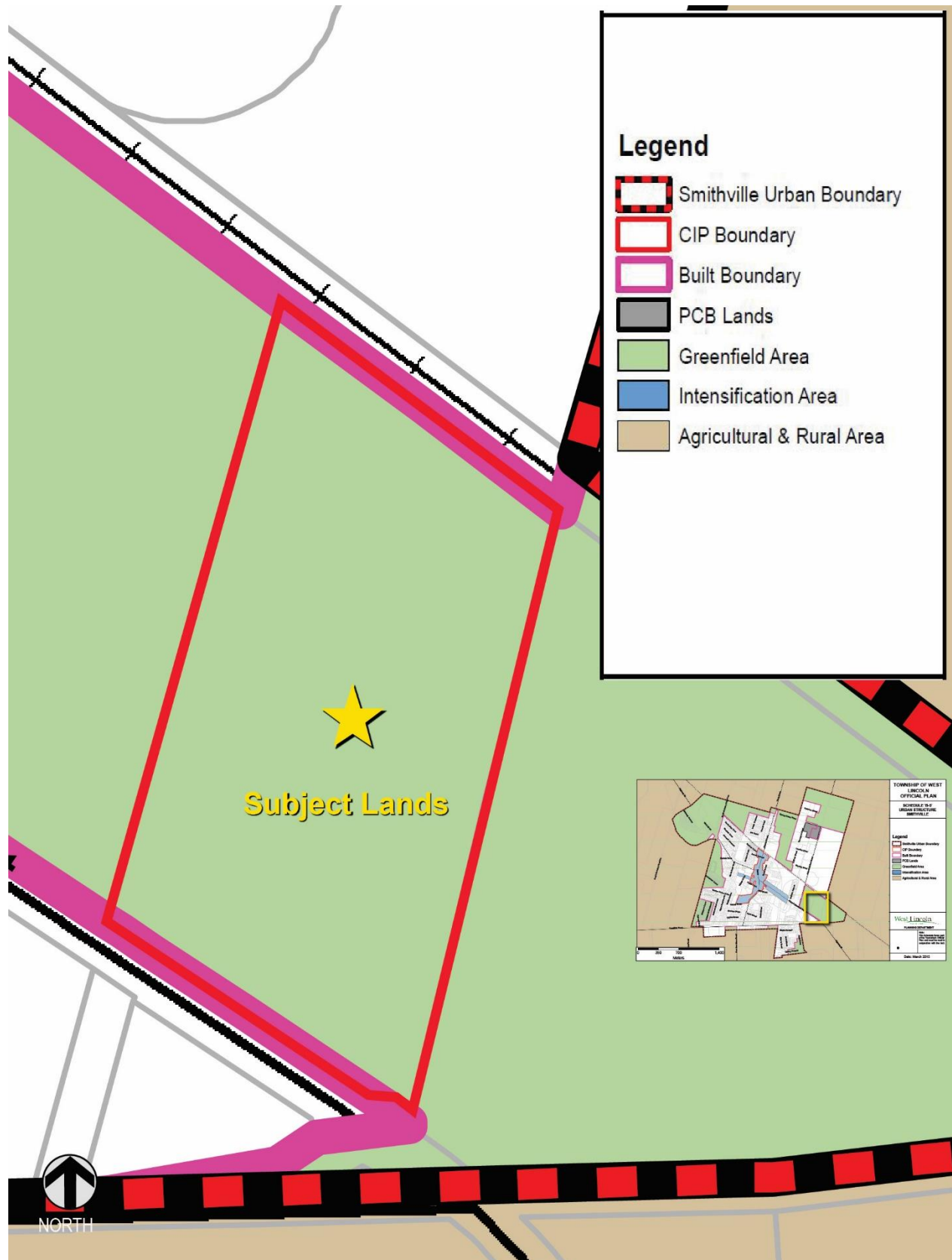


# Appendix D - Township Official Plan Schedules

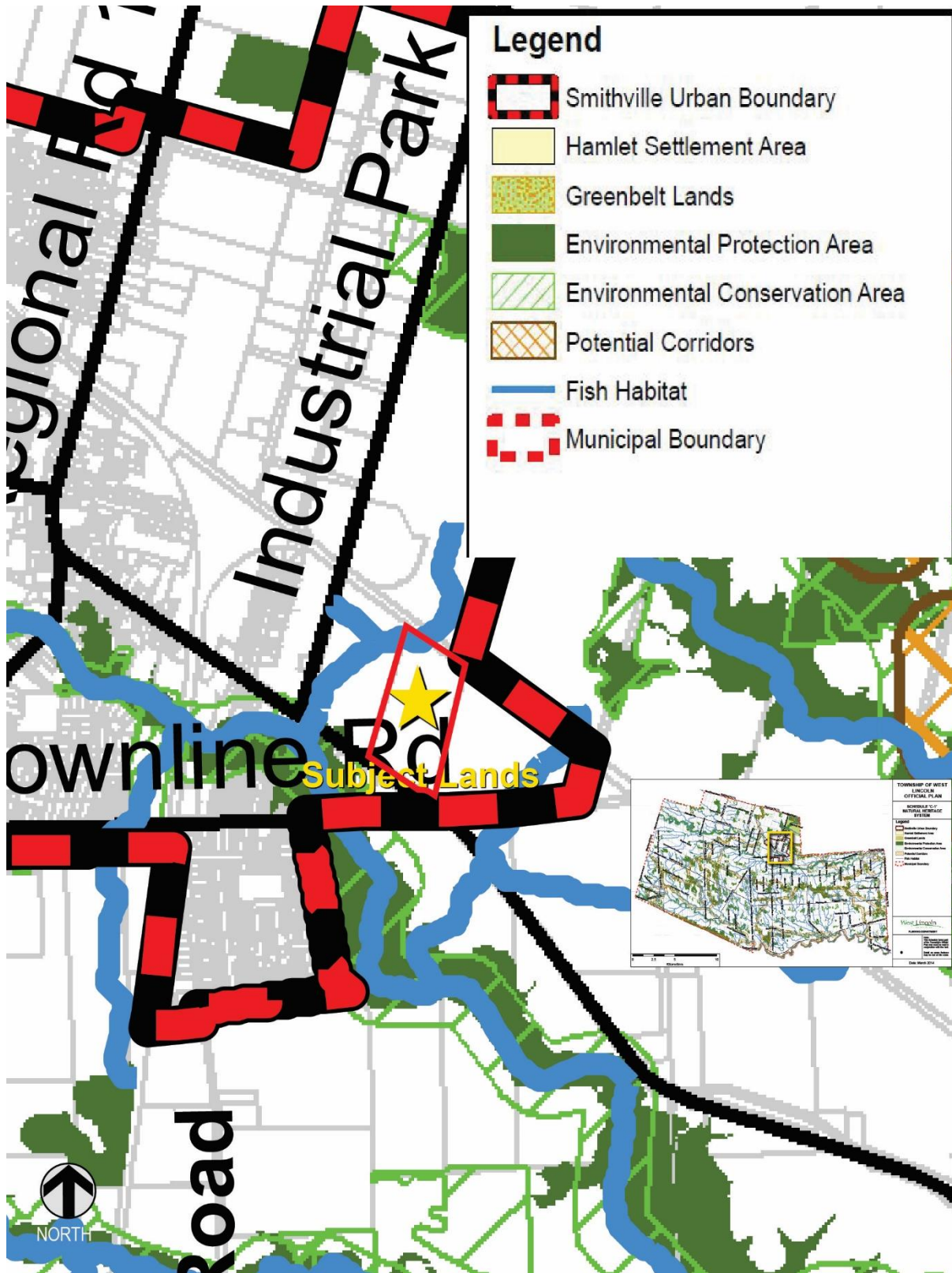
## Schedule A – Municipal Structure



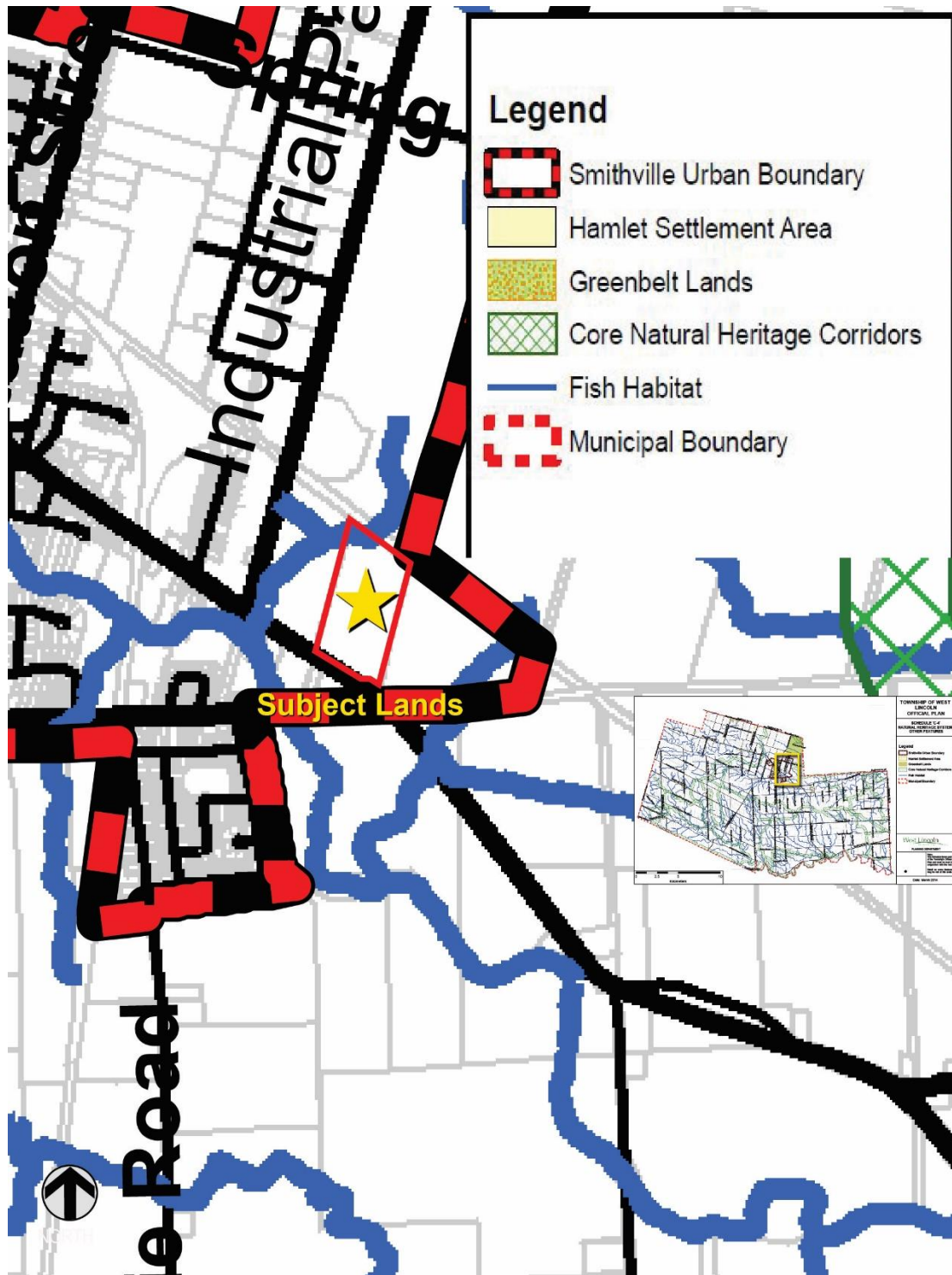
# Schedule B-5 – Urban Structure Smithville



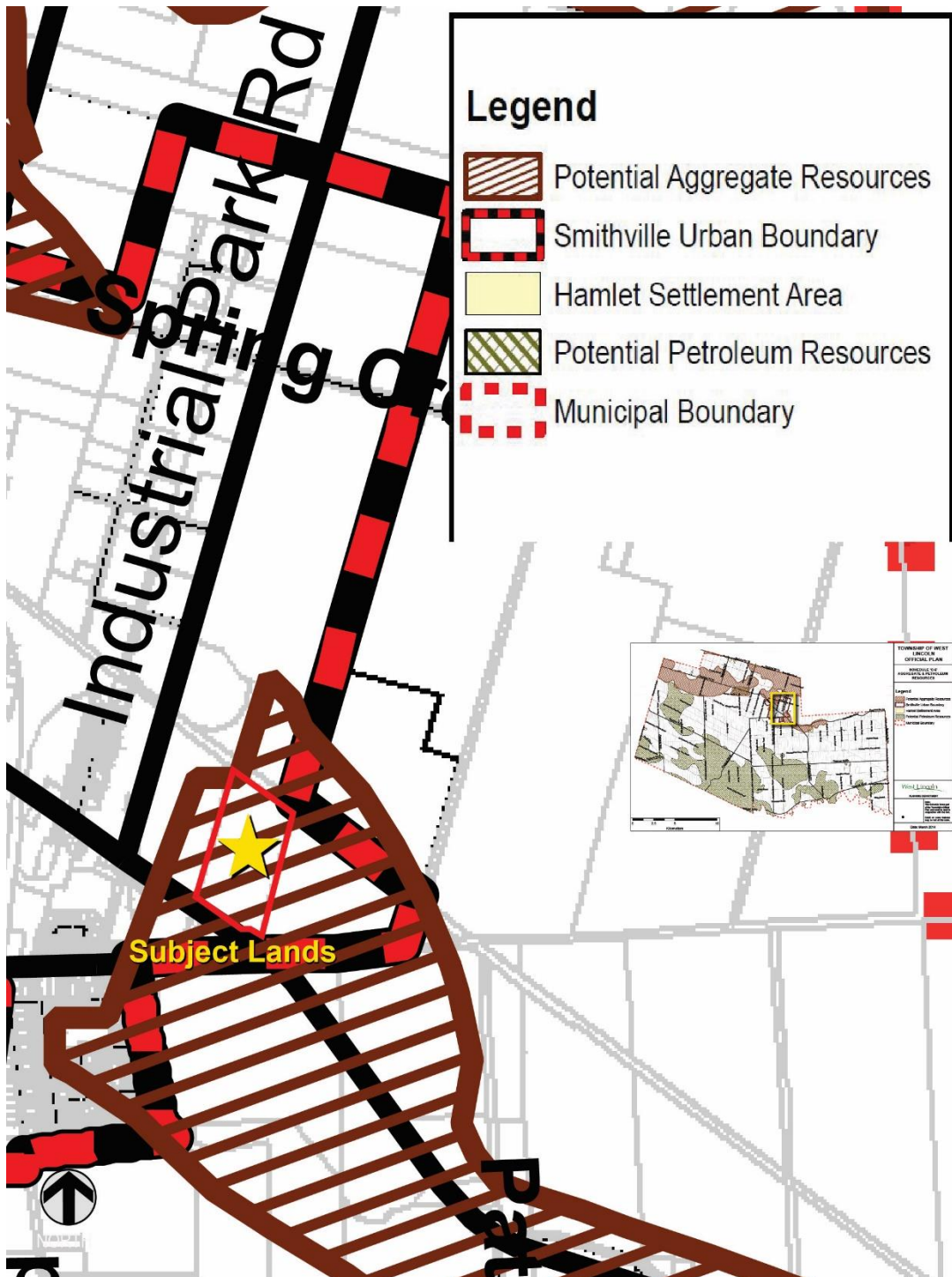
Schedule C-1- Natural Heritage System



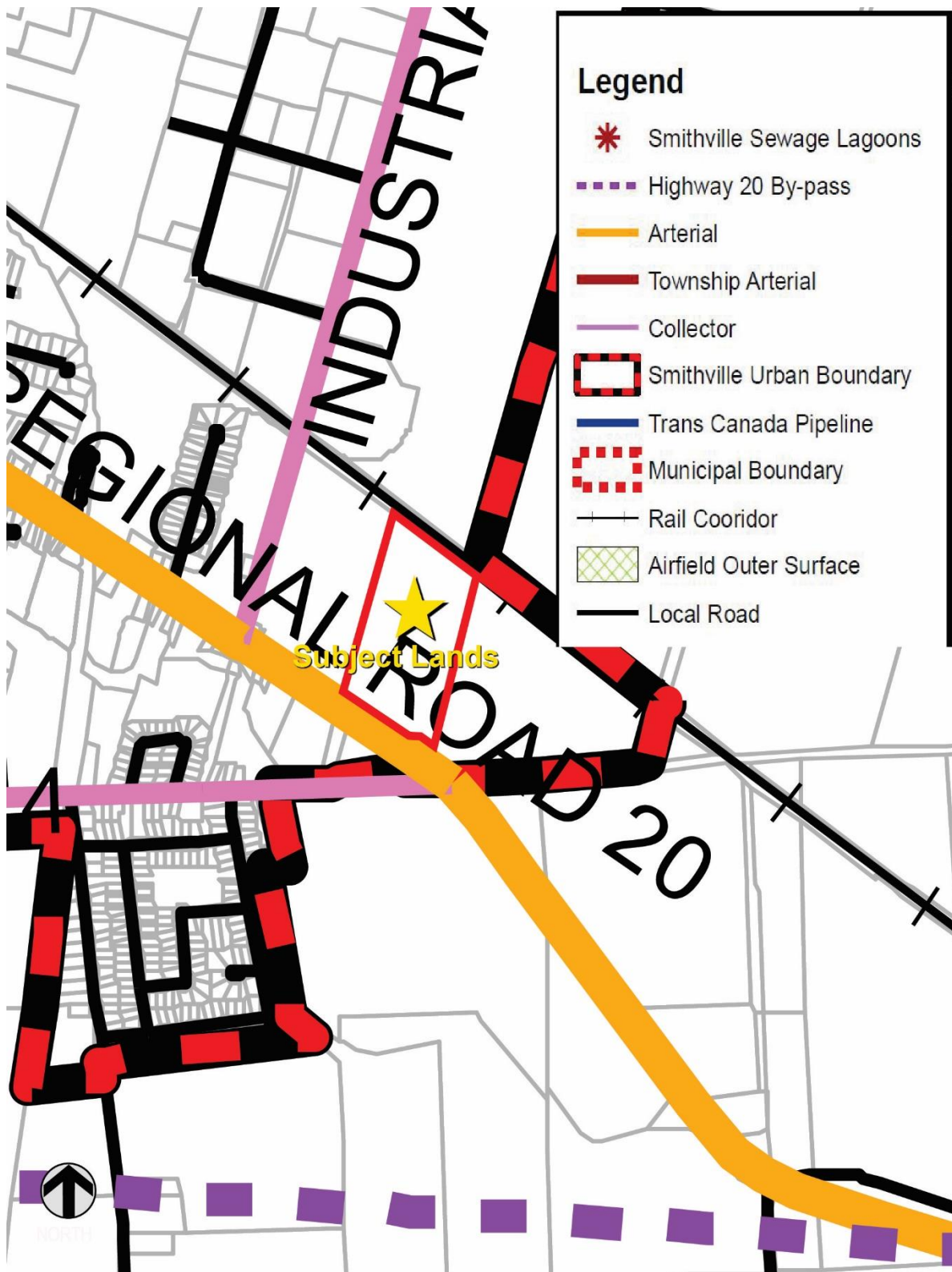
Schedule C-4 - Natural Heritage System Other Features



Schedule C-5 - Aggregate & Petroleum Resources

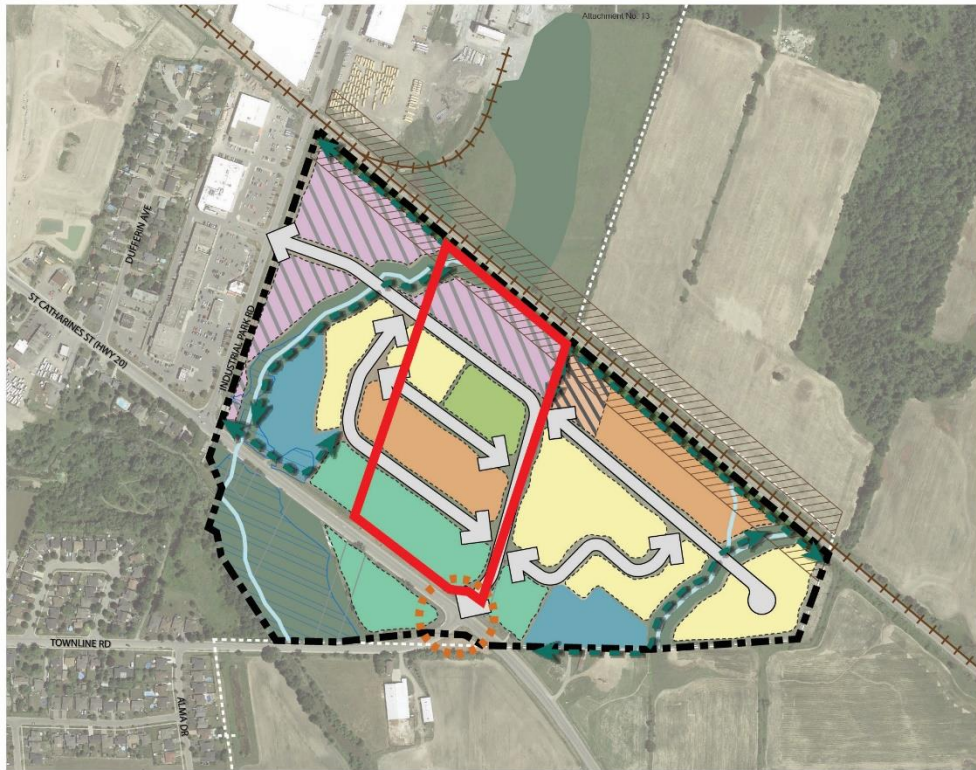


Schedule F - Infrastructure & Transportation





# East Smithville Secondary Plan – Community Structure



**Community Structure Plan**  
East Smithville  
Secondary Planning Area

**LEGEND:**

- Smithville Urban Boundary
- East Smithville Planning Area
- Parcel
- Railway
- Railway Setback
- Watercourse
- Floodplain
- 3m Open Space Buffer
- Potential Trail Connection
- Gateway
- Special Policy Area 1

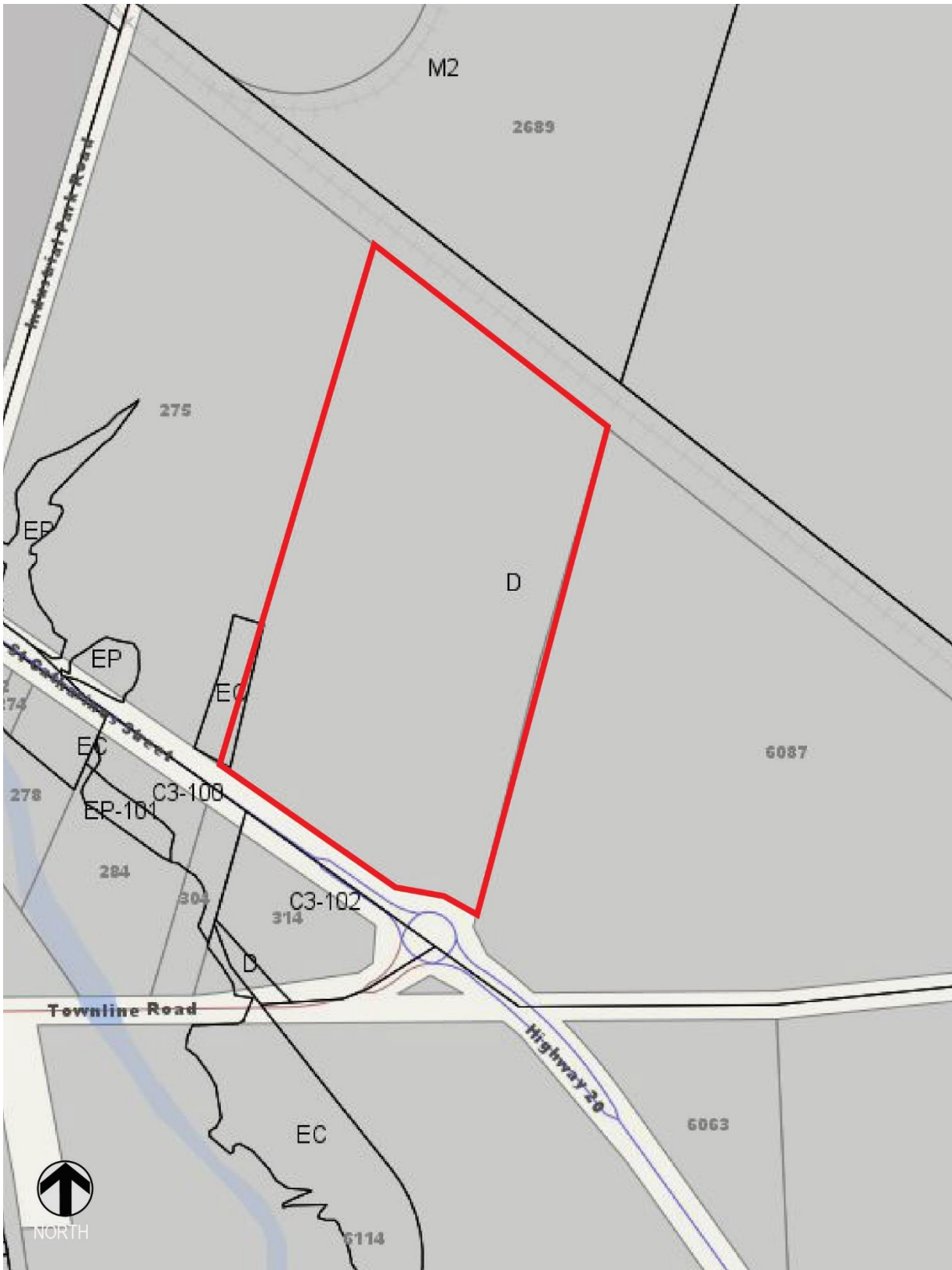
**Proposed Land Use**

- Low Density Residential
- Medium Density Residential
- Business Park
- Mixed Use
- Park
- Natural Heritage System
- SWM Pond
- Proposed Road

Date: January 21, 2022  
File: 00234X

**MHBC** PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

Appendix E – Township Zoning By-law





**THE CORPORATION OF THE TOWNSHIP OF WEST**

**LINCOLN BY-LAW NO. 2024-##**

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

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

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF**

**WEST LINCOLN HEREBY enacts as follows:**

1. THAT Schedule 'A' Maps 'S6' and 'S9' to Zoning By-law No. 2017-70, as amended, are hereby amended by changing the zoning on Concession 9 Part Lot 5, in the former Township of South Grimsby, in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Map 'A', attached hereto and forming part of this By-law.
2. THAT Maps 'S6' and 'S9' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, are hereby amended by changing the zoning on the subject lands shown on Map 'A', attached hereto and forming part of this By-law from Development 'D' zone in part and Environmental Conservation 'EC' zone in part zone to:
  - Residential Low Density site-specific (R3-###) Zone in part;
  - Residential Medium Density site-specific (RM2-###) Zone in part;
  - Commercial Mixed site-specific (CM-###) Zone in part;
  - Office and Business Park Employment site-specific (M1-###) Zone in part;
  - Open Space (OS) Zone in part;
  - Open Space site-specific (OS-###) Zone in part;
  - Environmental Conservation (EC) Zone in part; and
  - Development site-specific (D-###) Zone in part.
3. THAT Part 13 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

R3-###

Permitted Uses:

As per the parent zone.

Regulations:

As per the parent zone, except:

- minimum lot frontage for semi-detached dwelling 17 m (8.5 m per dwelling unit);
- notwithstanding provision 3.12.6.d.vii, a required parking space located within private residential garages for single detached and semi-detached dwelling units shall have a minimum unobstructed width of 3.3 metres and a minimum unobstructed length of 6 metres (measured from the interior walls); and
- where each private garage of a semi-detached dwelling is located on a separate lot, no interior side yard shall be required along the common lot line of the attached wall joining the two private garages.

#### RM2-###

Permitted Uses:

As per the parent zone.

Regulations:

As per the parent zone, except:

- semi-detached dwelling units are permitted on lands not within a Registered Plan of Condominium nor be tied to a common elements condominium private street; and
- notwithstanding provision 3.12.6.d.vii., a required parking space located within private residential garages for semi-detached and townhouse dwelling units shall have a minimum unobstructed width of 3.3 metres and a minimum unobstructed length of 6 metres (measured from the interior walls); and
- notwithstanding provision 3.9.2, no planting strip is required along the interior side lot line and the rear lot line of a lot that is used for a street townhouse dwelling or a townhouse dwelling.

#### M1-###

Principal Uses:

- Animal shelter;
- Commercial school;
- Dry cleaning/laundry establishment;
- Office, including a medical office;
- Pet care establishment;
- Recreation facility;
- Studio;
- Furniture Stores;
- Hotels/Motels;
- Health Clubs;

- Personal Service Shops;
- Retail Stores; and
- Restaurant.

Accessory Uses:

- Accessory buildings or structures and accessory uses;
- Outside Storage;
- Renewable Energy System.

Regulations:

As per the parent zone, except:

- Minimum front yard – 3 metres;
- Minimum interior side yard when adjoining a lot in Residential Zone: 13 metres;
- No minimum amount of landscaped open space is required to be provided in the front yard;
- No maximum retail gross floor area;
- Maximum gross leasable floor area per commercial unit: 1,000 m<sup>2</sup>;

D-###

Permitted Uses:

As per the parent zone.

Regulations:

As per the parent zone, except:

- Minimum lot area – Does not apply
- Minimum lot frontage – Does not apply

CM-####

Principal Uses:

- Apartment dwelling
- Art gallery
- Communications establishment
- Day Care
- Dry cleaning/laundry depot
- Financial institution
- Office, including a medical office
- Personal service shop
- Place of entertainment
- Private club
- Restaurant
- Retirement Home /Long Term Home Care Facility
- Retail store
- Service shop
- Studio

Accessory Uses:

- Accessory buildings or structures and accessory uses (see s. 3.1)
- Renewable energy system (see s. 3.15)

Regulations:

- Minimum Front Yard: 3 metres
- Minimum Exterior Side Yard: 3 metres
- Minimum Interior Side Yard: 6 metres
- Minimum Interior Side Yard when adjoining a lot in a Residential Zone: 4.5 metres or one third of Building Height whichever is greater
- Minimum Rear Yard: 6 metres
- Minimum Rear Yard when adjoining a lot in a Residential Zone: 9 metres or 50% of Building Height whichever is greater
- Maximum Height: 28 metres and 8 storeys, whichever is less
- Maximum gross leasable floor area: 50% of total lot area
- Dwelling units are permitted on the ground floor provided they do not occupy more than 30% of the ground floor of the building. Dwelling units are permitted to abut the front wall of a building.
- Notwithstanding the requirement to provide loading facilities in Section 3.12.5, where a loading space is provided for a commercial use, an apartment building on the same lot containing more than 50 dwelling units is not required to provide loading facilities.
- Notwithstanding the minimum numbers of parking spaces required for motor vehicles identified in Section 3.12.6 of the Zoning By-law, the minimum number of parking of parking spaces shall be provided in accordance with the table below:

<b>Use</b>	<b>Minimum Number of Parking Spaces to be Provided</b>
Apartment Dwelling	1.25 parking spaces per dwelling unit
All Commercial Uses	1 parking space per 30 m <sup>2</sup> gross leasable floor area

- Unless stated to the contrary, all applicable General Provisions identified in Part 3 of the Township Zoning By-law shall apply.

OS-###

Principal Uses:

- Camping establishment
- Cemetery
- Private or Public Park
- Acoustic barrier

Regulations:

As per the parent zone, except:

- No minimum yard requirements for an acoustic barrier;
- Notwithstanding Part 2 of the Zoning By-law 2017-70, for the purposes of this by-law, a lot zoned OS-### may not front on a public street or front on, and is legally tied to, a private street within a Registered Plan of Condominium which provides direct access to a public street or which connects to another private street(s) in Registered Plan(s) of Condominium having access to a public street.

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

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

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**MAYOR CHERYL GANANN**

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**JOANNE SCIME, CLERK**



Map 'A'

