



Subject:	New Comprehensive Zoning By-law and Zoning Updates for the Prudhommes Development Area
To:	Committee of the Whole – Planning & Economic Development
From:	Planning and Development Department

Report Number:	PD-36-22
Wards Affected:	All
Date to Committee:	June 29, 2022
Date to Council:	July 11, 2022

Recommendation:

Council receive Report PD-36-22 regarding the New Comprehensive Zoning By-law and Zoning Updates for the Prudhommes Development Area;

Council approve the Town of Lincoln's New Comprehensive Zoning By-law;

Council approve that pursuant to Section 34(10.0.0.2) of the *Planning Act*, applications for Minor Variance and Zoning By-law Amendment are permitted during the two-year period after the Comprehensive Zoning By-law is approved; and

Council approve the Zoning updates associated with the Prudhommes development area located at 3245, 3293, 3305, 3319, 3325, 3335, and 3339 North Service Road that are included within the overall proposed Town Zoning By-law; and

Council declare that they have considered all of the written and oral submissions and agrees with the planning report analysis and recommendations and finds that, the new Comprehensive Zoning By-law including zoning updates to the Prudhommes development area meets the Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

Purpose:

This report provides a recommendation to Committee and Council and the general public regarding the New Comprehensive Zoning By-law for the Town of Lincoln including zoning updates to the Prudhommes development area.

Zoning By-laws are the primary tool for implementing site specific policies of an Official Plan, translating high-level planning objectives and policies into detailed land use

permissions, including lot and building requirements. Zoning By-laws provide a legal way of managing land use and development, protecting from conflict and potentially hazardous land uses in the Town. That said, even the most recent municipal zoning by-laws can be subject to amendments from time to time as the planning policy landscape is constantly changing and adapting to new scenarios; placing the emphasis on staff to review requests for changes on the merits specific to the property in question.

Background:

A Zoning By-law allows the Town to regulate:

- how land or buildings are used
- the type of building that can be constructed
- where buildings can be located (i.e., number of metres a building must be set back from the street)
- how tall a building can be
- landscaping requirements
- how many residential units may be constructed
- how small or large a property may be
- the number of off-street parking spaces
- and other features related to the use of land

The Town of Lincoln's current Zoning By-law No. 93-14-Z1 was completed in 1993 and approved by the Ontario Municipal Board in 1995. Since this time, there have been significant changes from a Local, Regional, National and even global scale as it pertains to land-use policy considerations as well as market trends and growth projections.

As such, provincial policy changes and development trends resulted in the need to update the Town's Comprehensive Zoning By-law. These have included the establishment of the Greenbelt Plan in 2005 (updated in 2017) and provincial policy changes around agricultural and agri-tourism diversification. In addition, the Provincial Growth Plan for the Greater Golden Horseshoe was implemented and subsequently updated which forecasts and looks to accommodate growth through intensification and compact built forms, and affordable housing. Furthermore, the Town updated its Official Plan in 2016 and passed new Secondary Plans to shape growth for lands, such as in the Prudhommes area and around the Beamsville intensification corridor/Future Potential GO Station area which also necessitated a review of the Zoning By-law.

As such, the Town retained WSP to provide consulting services and initiated the Comprehensive Zoning By-law Review. The resulting new Comprehensive Zoning By-law will replace Zoning By-law No. 93-14-Z1 and implement the policies of the Town's Official Plan and provide updated zoning and development standards that reflect policy and regulatory initiatives at the provincial and Town level.

The project has been undertaken in three (3) stages:

- Stage 1: The review and analysis of relevant background information and key zoning related issues. A Draft Discussion Paper was presented to Planning & Economic Development Committee in May 2019 and a Stakeholder and Public Open House meeting was held in June 2019. A Final Discussion Paper was also prepared in this stage.
- Stage 2: The development of a Summary Report of information was gathered and presented to Planning & Economic Development Committee and the draft Comprehensive Zoning By-law was developed. This stage also included stakeholder and public open house meetings in December 2021 to present the preliminary Draft Comprehensive Zoning By-law.
- Stage 3 (current/final stage): The development of the final Draft Comprehensive Zoning By-law and statutory Public Meeting. Refinements made based on input from Council and stakeholders. Final Zoning By-law and Council adoption.

The proposed new Comprehensive Zoning By-law is included as Appendix A1, A2, and A3.

Report:

It is required that municipal decisions affecting planning matters shall be consistent with Provincial Policy. The following policies are particularly relevant to this project:

Planning Act:

Section 34 of the *Planning Act* enables Council to pass Zoning By-laws to regulate the use of land and the location, height, bulk, size, floor area, spacing, character and use of buildings and structures, as well as parking and loading requirements and lot requirements. Additionally, Zoning By-laws may be used to prohibit the use of land or erection of buildings and structures in:

- wetlands, lands with steep slopes or otherwise hazardous land;
- contaminated lands or in areas with sensitive groundwater or surface water features;
- significant natural features and areas; and/or
- significant archaeological resource sites.

In accordance with Section 24(1), zoning by-laws must also conform to the Official Plan and be consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe.

Section 34(10.0.0.1) of the *Planning Act*, prohibits applications for Zoning By-law Amendment during the two-year period after the Comprehensive Zoning By-law is passed. A similar moratorium is imposed for minor variance applications. The intent is to

prevent changes to newly approved provisions, but the effect may hinder legitimate applications and the ability of a municipality or landowner to make administrative corrections or respond to changing circumstances. Council may waive this moratorium via resolution as per Section 34 (10.0.0.2). Planning staff recommend that this moratorium be waived for reasons being that we cannot predict all the possible situations or types of proposals that may come forward and the Town needs to be flexible in its approach in order to effectively promote the Town.

Planning staff are of the opinion that the new Comprehensive Zoning By-law including zoning updates for the Prudhommes development area is in conformity with the *Planning Act*.

Provincial Policy Statement, 2020:

It is required that municipal decisions are consistent with the policies of the Provincial Policy Statement (PPS). The PPS provides policy direction for the province on land use planning and development to promote strong healthy communities, wise use of management and resources, and the protection of public health and safety.

The Provincial Policy Statement contains policies on community development, employment areas, housing, public space, infrastructure, economic development, energy, resource management, natural heritage, agriculture, cultural heritage, and public health multiple modes of transportation, in turn preserving rural areas.

The iterative and changing nature of these provincial documents and processes requires that staff respond and maintain flexibility.

The Town is currently undergoing growth in recognition of further policy shifts. Section 1.4 of provides policies to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents including affordable housing.

Section 2.3 of the PPS provides policies to ensure the protection of Prime Agricultural Lands from urban development and to ensure that agriculture remains the principle use of properties within prime agricultural areas. To help the viability of Ontario's agricultural operations, the PPS permits a wide range of agricultural, agricultural-related, and on-farm diversified land uses subject to provincial standards. According to the PPS, the above-mentioned land uses are defined as follows:

- Agriculture: the growing of crops (including nursery, biomass, and horticultural crops), raising of livestock, and associated on-farm buildings and structures including equipment storage, value-retaining facilities and farm help houses,
- Agricultural-Related: farm-related commercial and industrial uses that support agricultural activities on a property, are related to farm operations in the area, and/or provide direct products and/or services to farm operations.

- On-Farm Diversified: activities that are secondary to the principal agricultural use of a property and are limited in area.

To provide direction in implementing these aspects of the latest iteration of the Provincial Policy Statement, the Province developed Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. The updated Zoning By-law builds upon these guidelines to set out better established parameters for Agricultural-Related, Value Added Farm Uses and On-Farm Diversified uses.

A key objective of the PPS is to strengthen the economic vitality and quality of life of Ontario's rural areas while protecting the natural environment. To this end, the PPS provides policies that:

- Promote the diversification of the economic base and employment opportunities through goods and services, including value-added products (1.1.4.1(f)),
- Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets (1.1.4.1(g), 1.1.5.3, 1.7.1(h)), and
- Conserving biodiversity and environmental features and protecting agricultural uses (1.1.4.1(h), 1.1.5.7, 2.1.1, 2.1.9).

Decisions on land use planning matters, including the goals, objectives and policies of Official Plans, must be consistent with the Provincial Policy Statement. It is intended that Official Plans are the primary vehicle for implementing the Provincial Policy Statement.

The Provincial Policy Statement also recognizes Zoning By-laws as an important tool for implementing the Provincial Policy Statement, and planning authorities are required to keep their Zoning By-law up to date and consistent with the Official Plan and the Provincial Policy Statement.

In consideration of the above, staff are satisfied that the proposed new Comprehensive Zoning By-law including zoning updates to the Prudhommes development area is consistent with the policies of the Provincial Policy Statement.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020):

It is required that municipal decisions affecting planning matters should be consistent with the principles and policies of the Growth Plan for the Greater Golden Horseshoe (Growth Plan). The policies of the Growth Plan aim to curb sprawl to promote the creation of complete communities. Complete communities are well designed to meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes.

Schedule 2 of the Growth Plan designates portions of the Town as being within the 'Greater Golden Horseshoe Area' and includes a 'Committed GO Transit Rail Extension.'

Section 2.2.2 of the Growth Plan includes policies which impact the land use and built form of communities. These include building compact, transit-supportive communities in designated greenfield areas and ensuring the availability of sufficient employment land to accommodate forecasted growth to support economic competitiveness. The Growth Plan establishes expectations for cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local retail and services.

The latest consolidation of the Growth Plan(2020) brought forward several changes including the reorganization and revision of existing policy directions, and creation of new policies. The more significant changes include:

- An increase in range and mix of housing options, including additional residential units and affordable housing to serve all sizes, incomes and age of households;
- A one-time conversion of employment area is permitted outside the Municipal Comprehensive Review process, where appropriate and subject to criteria;
- Settlement Areas can be expanded without a Municipal Comprehensive Review, subject to certain criteria;
- Major Transit Stations (e.g. the potential future Beamsville GO Station) can be delineated outside an Municipal Comprehensive Review and the surrounding radius is expanded from 500m to up to 800m; and
- Municipalities can refine and implement mapping of the Agricultural and Natural Heritage System and provincial mapping does not apply until implemented through upper- and lower-tier official plans.

It should be noted that while these proposed changes to the Growth Plan do impact the Zoning By-law process, it is understood that the Region needs to complete their Official Plan review prior to the Town considering any changes.

The Prudhommes Urban Area is located within an identified “Settlement Area” and “Built-up Area”. This is where the Growth Plan directs the vast majority of forecasted growth to occur on lands with development or redevelopment potential. There is added emphasis on efficient use of vacant lands within Built-up Areas, something that Lincoln has a limited supply of, thereby highlighting the importance of maximizing use on vacant lands in the Prudhommes area. This is further supported by the Prudhommes Secondary Plan which supports intensification through a mix of land uses as well as mid- to high-rise development forms. In terms of land use compatibility, there are no existing residential uses in close proximity to the high-rise area in Prudhommes, resulting in less impacts compared to an infill site. The zoning updates in the Prudhommes area recognize these Provincial policy objectives to optimize growth accordingly.

The Beamsville GO area is located within an identified “Strategic Growth Area” in the New Regional Official Plan due to the opportunity provided by a potential future transit station. The Growth Plan further specifies that within settlement areas, growth will be focused in delineated built-up areas, strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities. The Beamsville GO

area is a particularly suitable location for growth with the availability of vacant lands, its proximity to Ontario Street which is a Regional transit corridor with active transportation opportunities, and the opportunity provided to support potential future transit ridership. The zoning updates implement the Beamsville GO Station Secondary Plan to encourage efficient use of the lands as a key growth area.

Planning staff are of the opinion that the proposed new Comprehensive Zoning By-law including updates to the Prudhommes development area and Beamsville GO Station Secondary Plan area contribute to the overall goal of complete communities. These specific areas are key growth areas recognized in the Growth Plan and so their use needs to be optimized accordingly. Therefore, the proposed new Comprehensive Zoning By-law including updates to these areas is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe.

Greenbelt Plan (2017):

The intent of the Province's Greenbelt Plan is to protect against the loss and fragmentation of agricultural land uses, protect natural heritage and water resources and support agriculture as the predominant land uses.

A significant portion of the lands within the Town of Lincoln (66%) are subject to the policies contained within the Greenbelt Plan. The Greenbelt Plan establishes the limits of the Region's urban structure, identifies where urbanization should not occur and extends permanent protection to agricultural lands and ecological and hydrological features.

The Greenbelt Plan designates three major land use types in Lincoln, Niagara Peninsula Tender Fruit and Grape Area, Town/Villages, and the Niagara Escarpment Plan Area. The Towns/Villages designation applies to all urban areas in Lincoln. The prevailing policy goal for these areas is the achievement of complete and resilient communities.

At the time when the current Zoning By-law was adopted, the Greenbelt Plan did not exist. Although, the Zoning By-law has been updated since, the Comprehensive Zoning By-law review has gone a step further in considering the Greenbelt Plan policies, along with the Provincial Policy Statement's guidance on farm diversification. This review process has considered all provincial policies in concert with each other.

In consideration of the above, Planning staff are of the opinion that the proposed new Comprehensive Zoning By-law including updates to the Prudhommes development area is consistent with the policies of the Greenbelt Plan.

Niagara Escarpment Plan (2017):

The Niagara Escarpment Plan protects ecological and historical areas, ensuring the compatibility of new development and maintaining the open landscape character of the Escarpment area, through compatible farming, forestry, and preservation of natural scenery. Multiple land use designations are present in Lincoln, with the largest being the

Escarpment Protection Area, Escarpment Rural area and Escarpment Natural Area, and there is a substantial Mineral Resource Extraction Area located north of Twenty Mile Creek. As with the Growth Plan and Greenbelt Plan, the policies of the Niagara Escarpment Plan are enacted through the Niagara Region and the Town of Lincoln Official Plan.

This process has included ongoing dialogue with representatives from the Region and the Niagara Escarpment Commission. As such, NEC boundaries have been confirmed. It is important to note that the Town Zoning By-law does not apply to lands within the Niagara Escarpment Control area since the NEC is the approval authority for land-use related items. The new Zoning By-law will include an overlay to improve clarity for users in identifying if properties are within or outside of the NEC limits.

Planning staff are of the opinion that the proposed new Comprehensive Zoning By-law including updates to the Prudhommes development area is consistent with the policies of the Niagara Escarpment Plan.

Regional Official Plan (2014):

It is required that the municipality ensure that municipal decisions conform to the Regional Official Plan (ROP). Policies in the ROP focus on managing growth, growing the economy, protecting the environment and providing infrastructure and direction for the development of Lower Tier Municipal Official Plans.

The Region is currently undergoing a Regional Official Plan Review. The ROP, which has recently been brought forward for Regional Council consideration and adoption, promotes more compact development that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The proposed revised Concept Plan addresses this goal and would increase the mix and range of dwelling options and supply in the Town and Niagara.

The ROP recognizes the significant growth occurring in the Town of Lincoln and emphasizes the need to accommodate growth through a compact built form and through complete streets and complete and active communities consisting of support opportunities for people of all ages and abilities to conveniently access most of the necessities of daily living, including appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities.

Once the new ROP is adopted, all local municipalities including Lincoln will be required to update their Official Plans accordingly. This conformity exercise is required within one year of ROP adoption. Although anticipated to be relatively minor, there will be some further changes to the Town Zoning By-law that will be required since the Town Zoning By-law is required to implement the policies of the updated Town Official Plan. These are what we would consider “housekeeping” in nature.

As part of this exercise, updates to the Prudhommes Secondary Plan are proposed to be included to reflect the proposed development concept. This includes the new amended location for the Employment area from the westerly section of North Service Road to the main entrance to Prudhommes Landing, fronting on North Service Road, as well as the planned Main Street area. This will result in more square footage in terms of the type and amount of employment lands. Also part of the conformity exercise will be a portion of the proposed single detached dwellings along the north side of the Waterfront Promenade. The proposed zoning updates for these specific areas will be implemented once the above referenced conformity exercise has been completed (see Appendix B for the proposed Prudhommes Zoning Schedule and delineated conformity exercise areas).

Council Policy:

The new Comprehensive Zoning By-law will apply to all lands within the Town, a number of planning policies, including the policies of the Town's Official Plan.

Official Plan:

The Town's Official Plan outlines the goals and objectives for the community and identifies land use policies to help guide and direct growth and development over the next 20 years. It describes a vision of Lincoln as a "Centre of Excellence for Agriculture" by managing growth as per new provincial policies and identifies Lincoln as a vibrant Greenbelt community. The Town's Official Plan directs the location and form of development, identifies how infrastructure is to be planned, and plans for the conservation of natural heritage features and areas. In some instances, the Town also directs more detailed policies through Secondary Plans, including the Beamsville GO Transit Station Secondary Plan and Prudhommes Secondary Plan.

The Prudhommes Secondary Plan provides a vision and planning framework that will guide development of a complete community. The Secondary Plan encourages and supports the creation of a complete, sustainable community that is a successful, diverse, walkable, and mixed-use waterfront neighbourhood. The vision for Prudhommes is to be an exciting and evolving destination within Niagara Region that will leverage the Twenty Valley Tourism Area, and demonstrate best practices in community building – socially, economically, and environmentally.

The objective remains to implement the Secondary Plan's vision for a walkable, mixed use waterfront neighbourhood. The Prudhommes zoning updates include minor shifting of zoning boundaries, predominately on the commercial and eastern portions, incorporation of some additional single detached dwellings along the waterfront on the west side, re-orientation of the employment uses to current approaches fronting along the North Service Road at the main road entrance into the subdivision and in the Main Street Mixed Use area, minor adjustment of the park boundary where it interfaces with the Main Street and lastly, some incorporated flexibility for additional heights and densities on the eastern high-rise residential portion of the lands. The updated concept plan aligns with the Secondary Plan framework for a graduated increase in height moving easterly across

the lands. The continuous waterfront trail with associated open space also remains as originally planned.

Planning staff are of the opinion that the new Comprehensive Zoning By-law including updates to the Prudhommes development area conforms to the Official Plan and Prudhommes Secondary Plan.

Zoning By-law:

The new Comprehensive Zoning By-law will replace the current Zoning By-law No. 93-14-Z1, focusing on conforming to the Town's Official Plan and recent provincial policy and legislation, updating definitions/provisions ensuring they are contemporary while improving the By-law's clarity, ease of use and format. Staff have been actively involved in and continue to closely follow the progress on the Regional Official Plan which will factor into the Comprehensive Zoning By-law and Official Plan once a conformity exercise is completed.

Council Priorities (2019 -2022):

Land use planning decisions are to be guided in part by the Town's Council Priorities which outline the long-term vision for Lincoln. The proposed Zoning By-law supports all four objectives and initiatives by strengthening diversity and inclusion for existing and new residents by providing a range of housing options, implementing complete and active streetscapes, strengthening Lincoln's position as a "Centre of Agricultural Excellence" by permitting value added and agri-tourism uses, enhancing and supporting economic growth by encouraging commercial, retail, and personal service activity to ensure that employment opportunities continue, and ensuring open and transparent governance by increasing public knowledge of this very important project.

Planning and Development Staff:

The following themes outline how the new Comprehensive Zoning By-law has been developed to conform to the Town's Official Plan and provincial policy:

Agriculture:

- Permits uses such as processing agricultural products, home industries, agri-tourism and retail uses, but implements scale considerations to recognize the need to sustain viable agricultural land for crop production and to consider impacts to adjacent properties in rural areas;
- Permits complementary value added and agri-tourism uses in the agricultural area, including short-term accommodations, wineries and micro-breweries;
- Identifies permissions for on-farm diversified uses (e.g. retail stores or processing associated with an agricultural use) on Prime Agricultural lands not exceeding 2% of total lot area up to 4,000 square metres including all associated uses (in accordance with the Guidelines for Permitted Uses in Ontario Prime Agricultural Areas); and

- Implements Official Plan policies requiring specific provisions, such as permitting agriculture-related uses under 1,000 square metres as of right in recognition of increase provincial flexibility for these uses to support agricultural operators.

The proposed Comprehensive Zoning By-law permits and establishes these new provisions for Agriculture-related Uses, Agri-tourism, and On-farm Diversified Uses in keeping with Provincial guidelines. These are predominately new provisions as the existing Town Zoning By-law is out of date with new applicable policy.

Built Form:

- Building heights within an Intensification area do not exceed the 45-degree angular plane where they abut properties within the low-rise residential zones. This is a component that has been added to assist in addressing compatibility with existing neighbourhoods while recognizing recent Provincial encouragement of compact development;
- Consideration to tightening provisions with regards to commercial uses on the ground floor (abutting the street), and only permit residential uses above the ground floor, in certain locations to ensure better conformity and to achieve a better ratio of commercial floor space in new developments;
- Opportunity to include a regulation for minimum height of the ground floor in order to accommodate commercial uses in the future; and
- Provisions to bring buildings closer to the street while minimizing surface parking, or locating it to the rear of properties as this is a common urban design approach to frame and activate streetscapes and is consistent with Regional urban design best practices.

In consideration of built form setbacks, although there have been previous zoning amendment applications to reduce these, setbacks have not changed significantly from the current Zoning By-law. The reason being that other than in specific growth locations (i.e., Ontario Street, Secondary Plan areas), staff are of the opinion that zoning by-law amendment applications remain an appropriate venue to evaluate any changes to setbacks on a site specific basis.

Some lot coverages have increased in specific zones, eg. Industrial area lot coverages have increased from 50% to 75% of the total lot area. This is due to the emphasis on requiring more efficient use of limited lands in the industrial areas. In addition, some multi-residential uses have slightly increased lot coverages from 45% to 50%. The new built form provisions outlined above were added to align with provincial guidelines and current development trends.

Land Use:

- Defines 'Local Food Production' and permit within a number of zones, with appropriate provisions to ensure compatibility with primary and surrounding land uses;

- Includes live-work units as a permitted use in areas supported by the Official Plan and includes development standards to ensure compatibility with surrounding land uses;
- Includes standards for a range of commercial uses permitted in mixed-use buildings;
- Defines Back-to-Back Townhouses and removing this use in the RM1 Zone to ensure design compatibility;
- Rezoning Residential Development (RD) zones where appropriate;
- Defines Short Term Accommodation as the commercial use of an entire dwelling unit or the principal resident, that may be rented for a period of up to 28 consecutive days for use as a temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest, or relaxation.
- Clarifies provisions related to bed and breakfast establishments, hotels, tourist homes, etc. to ensure Short-term Accommodation uses are captured within the definition or provisions related to these more established commercial uses; and
- “Inn” definition refined to provide more flexibility in agri-tourism and on farm diversified scenarios.

In addition, Town staff have begun working on a Short Term Accommodation policy and regulatory framework including licensing by-law, administrative procedures and amendments to related by-laws (noise control, parking, property standards, etc.). The addition of the above referenced definition is a critical component of this.

Legal Non-Conformity:

- Properties that currently have legal non-conforming/non-complying uses/structures, and those which may become so as a result of the Zoning By-law update are identified; and
- Each property has been accessed to determine if it should be formally recognized through a site-specific zone or allowed to continue or become legal non-conforming or complying.

Mapping:

- Zoning By-law boundaries are more accurate than the Official Plan Schedules, which are intended to be general and approximate; and
- All site-specific zoning provisions under the current Zoning By-law were reviewed and a consolidation exercise was completed for all mapping which involved consultation with Regional, NEC and NPCA staff.

Attainable Housing:

- Replaces the definition and general provisions of “Dwelling Unit, Accessory Apartment” with current terminology being a Secondary Residential Unit;

- Permits Secondary Residential Units in single detached, semi-detached and townhouse dwellings, or their accessory structures whereas the current by-law only permitted these dwellings within single detached dwellings;
- Secondary Residential Units are permitted in all residential zone categories whereas the current zoning by-law only permits them within zones permitting single detached dwellings only; and
- Secondary Residential Unit standards relating to parking and prohibiting exterior stairways remove barriers to their creation are established, whereas the current zoning by-law does not provide any direction in this regard.

The proposed new Comprehensive Zoning By-law also includes updated:

Parking and Driveway Regulations:

The consultant completed a parking study to determine appropriate resident and visitor parking requirements. The study included, relevant policy direction, local vehicle ownership rates (2016 Transportation Tomorrow Survey), parking requirements in other municipalities, and historical parking reductions in Lincoln. The study utilized the latest local data available. There is a general trend of declining vehicle ownership as urbanization occurs and alternative modes of transportation become more attractive. The vehicle ownership reported in 2016 is typically expected to remain or decline. Once updated data is available in 2023, further evaluation can take place.

Vehicle ownership in Lincoln is consistent with other municipalities as follows:

Land Use	Vehicles per household	
	Lincoln	Other Municipalities
Detached	2.19	1.86 – 2.35
Townhouse	1.67	1.09 – 1.88
Apartment	0.98	0.68 – 1.37

(2016 transportation Tomorrow Survey)

As a result of the parking study, Residential parking updates include:

- Updating parking rates for all apartment type uses to one consistent parking rate that is based on local vehicular ownership rates. Existing parking provisions require 1.0 space per dwelling unit in a mixed use development and 1.25 spaces per dwelling unit for apartment dwellings. The new apartment dwelling parking rate is 1.0 spaces per dwelling unit and also introduces a new visitor parking requirement of 0.10 spaces per dwelling unit;
- Keeping parking requirements for Townhouse dwellings the same at 2 spaces per dwelling unit and introducing a new visitor parking requirement of 0.10 spaces per townhouse dwelling unit;

- Reducing parking rates for Triplex and Fourplex dwellings from 2 spaces per dwelling unit to 1 space per dwelling unit;
- Establishing new minimum bicycle parking requirements of 0.25 bicycle spaces per dwelling unit and bicycle parking requirements for commercial and office uses in more urban settings and along active transportation routes;
- Amend parking rates for retail and restaurant uses in employment areas; and
- Incorporated shared parking provisions on mixed-use lots in intensification areas, to recognize that different types of uses include different parking requirements.

The introduction of visitor parking requirements for apartment dwellings and townhouse dwellings are consistent with parking requirements in other municipalities.

Formatting & Organization:

- Adopted a table format for organizing permitted uses and zone standards instead of the current text heavy approach that is not efficient and difficult to follow;
- Use of colour zoning maps for easier user interpretation;
- Reduced cross-referencing as much as possible;
- Created separate sections for the zone exceptions following the general standards; and
- Use of illustrations to assist in interpretation of general provisions and definitions.

Zoning Categories:

- Created the following new zone to reflect the intent of the Official Plan and intensification areas within the Beamsville GO Transit:
 - Office Commercial – OC Zone: Provides for commercial uses as well as opportunities for denser forms of employment.
- Updated zoning in Secondary Plan areas such as within the Prudhommes Secondary Plan area to create diverse, walkable, mix-use developments with high quality-built form that make efficient use of urban areas; and
- Removed outdated zones, such as the Estate Residential (ER) Zone, Prestige Industrial (PI) Zone, and Recreational Commercial (RC) Zone. The Residential 2 (R2) Zone will remain to address concerns identified with its potential removal.

General Provisions:

- New or modified general provisions added as new permitted uses and definitions are introduced such as agri-tourism use, agricultural related use, brewery or distillery, secondary residential dwelling unit, and on-farm diversified use.
- Grouping similar general provisions together to streamline the Zoning By-law; and
- Added uses for regulation through the general provisions. For example, festivals and wedding venues could be included to restrict their size or require minimum parking spaces.

Definitions:

- Reviewed permitted use definitions to identify similar uses that might be included under a broader defined term;
- An index of defined terms and illustrations of technical definitions included to assist readers; and
- New definitions such as ‘Brewery’, ‘Distillery’, ‘Cannabis Production Facility’, ‘On-Farm Diversified Use’, ‘Secondary Dwelling Unit’, ‘Short-Term Accommodation’ are proposed.
- Removed “Maisonette” definition and replaced with “Back-to-Back Townhouse”.

Planning staff note that as a result of feedback received from stakeholders, the public, and Council, the cultivation and production of cannabis component and parking provisions of the Comprehensive Zoning By-law was expedited under separate processes. These provisions are consolidated under Sections 3 & 4 in the proposed Zoning By-law.

Secondary Plans Consolidation including Prudhommes:

As previously noted, the new Zoning By-law includes updates to align with the Secondary Plans that were completed in the Town’s most recognized locations to accommodate growth through a more compact built form. These include the GO Secondary Plan Station area and the Prudhommes Secondary Plan area. With respect to the former, there are land-uses such as Office Commercial, along with height strategies that are required to be reflected in the implementing zoning by-law. There are also design elements such as bringing buildings close to the street with setback designs and parking in shielded in the rear of the properties. These updates are incorporated into the proposed provisions and schedules within the document.

With respect to the Prudhommes Secondary Plan, zoning provisions for the largest portion of the lands referred to as Prudhommes Landing (see location map below) were established through an amendment process that was approved by Council in 2019. These lands possess a lot area of 31.47 hectares out of the total 50 hectare Secondary Plan area. In recognition that these lands represent the largest vacant piece of property to accommodate growth in the Town, the zoning provisions reflected the need to transition from lower density uses to the west, adjacent to the Victoria Shores Community, to higher density uses to the east. This height strategy minimized potential impacts to established low-rise residential uses. Within this basic principle, larger commercial/employment type uses and smaller retail/commercial uses were interspersed accordingly, with significant greenspace all along the waterfront. The goal was to guide efficient use of the land while creating a complete community.



Figure: Prudhommes Landing location map

Prudhommes Area Updates:

Since 2019, there have been significant updates to Provincial policy for vacant urban areas such the Prudhommes Landing property at 3245, 3293, 3305, 3319, 3325, 3335, and 3339 North Service Road to accommodate a wider range of land uses and housing options in as compact a built form as possible. These are being reflected in the work Niagara Region is doing on their Official Plan update. As such, communication with the landowner which was initiated at the outset of the Secondary Plan process (which stretched from 2016 to 2018) continued. As a result, updates to the Prudhommes Landing Plan have been proposed which are reflected in the draft Prudhommes Zoning By-law Amendment and Prudhommes mapping Schedule A4 (see Appendix B).

The updated Prudhommes Landing concept plan, landscape concept, phasing plan and accompanying illustrations are included in Appendix C. Site statistics are summarized in the table below. This plan is conceptual only in order to inform the proposed zoning provisions and is subject to potentially change based on technical and urban design processes still to be undertaken at subsequent planning stages, including draft plan revision, plan of subdivision, and site plan processes. The latter two of which will include detail design considerations specific to development blocks within the overall subdivision.

Revised Prudhommes Landing Concept Plan (June 2022)

- 3,674 residential units (gross density of 117 units per hectare)
 - 96 single-detached units
 - 347 townhouse units
 - 397 mid-rise mixed-use units (up to 6 storeys)
 - 2834 high-rise units
- 0.58 ha employment blocks (17,737 sm of gross floor area)
- 2.23 ha commercial block (14,253 sm of gross floor area)
- 6.02 ha parks and open space system
- 4.42 ha of municipal right-of-way

Height and Density:

The Prudhommes Secondary Plan provides an expected range of 2,800 to 6,300 new residents and 1,200 to 2,500 new employees upon full build out, with a gross density of 80 to 220 persons and jobs per hectare. The height structure of the Secondary Plan is generally low-rise at the west end and building to taller elements towards Jordan Harbour, where the tallest buildings are identified as Major Landmarks with maximum building heights of 18 storeys and are intended to frame views to Lake Ontario and Jordan Harbour. Secondary Plan policies also permit additional storey(s) beyond the maximum building height where above ground structure parking is provided (i.e. an additional storey is permitted where at least 80% of each floor area is occupied by parking facilities).

As previously noted, zoning provisions for Prudhommes Landing were established through a zoning amendment and draft plan that was approved by Council approximately 3 years ago. Since 2019, there have been significant updates to Provincial policy to accommodate a wider range of land uses and housing options in as compact a built form as possible. These policy updates have been reflected in an updated Prudhommes Landing concept plan which comprises of approximately 3,674 residential units and results in an overall gross density of 117 units per hectare. The proposed development is expected to potentially accommodate up to and approximately 6,500 residents and 1,000 employees. This population estimate is based on Lincoln's census occupancy rates of 2.8 persons per single-detached dwelling; 2.2 persons per townhouse dwelling; and 1.7 persons per apartment dwelling.

These lands also represent the largest vacant piece of property within the Town's delineated Built-up Area, which is intended to accommodate growth in the form of higher-density uses and a more compact manner. The introduction of residential intensification at this location is in keeping with the vision for the area as established in the Secondary Plan as the built forms remain consistent in terms of becoming more compact as the development proceeds from west to east. The Prudhommes zoning updates incorporate a greater supply of housing options, predominantly in the form of additional single

detached dwellings as well as incorporated flexibility for additional height and density on the eastern high-rise residential portion of the lands. The variety of residential unit types and sizes supports diverse individual and family structure needs.

As set out earlier in this report, the policy framework encourages high-density uses on the subject site where there is compatibility with surrounding land uses and a sense of pedestrian scale is provided. Through the Secondary Plan planning process and currently, staff have been cognizant of the potential for additional density to be proposed, particularly towards Jordan Harbour (i.e. the Major Landmark site). The wide population range provided by the Secondary Plan acknowledges the need for flexibility to respond to, and encourage, positive changes in the marketplace over time such that development is cost-effective, optimizes the use of service and community infrastructure investments, and is appropriate for market conditions. The additional density proposed is also supported by the Secondary Plan housing policies of Section 3.1.15.2.6.1 which encourage and support a variety of housing options to allow for choice and opportunity for residents to remain in the community for their entire lifecycle. Housing options include small ownership dwellings, higher density condominium dwellings, buildings with rental units, senior's housing, and affordable accessible housing. Higher density housing forms and smaller units are generally more affordable due to reduced per unit land costs and lower development costs and provide a viable option for seniors looking to downsize.

The Prudhommes zoning updates align with the Secondary Plan framework for a graduated increase in height, with single-detached dwellings and bungalow townhouses proposed at the west end gradually increasing in height to 2 and 3-storey townhouses moving eastward. Mid-rise buildings are proposed centrally at the Main Street, and high-rise residential buildings ranging from 12 to 20-storeys are proposed towards the east side of the site, with the tallest buildings at 25-storeys proposed at the far east end of the site, adjacent to Jordan Harbour. A maximum high-rise residential density of 580 units per net hectare is proposed to be incorporated in the updated zoning provisions for the high-rise areas.

The proposed flexibility for additional height and density beyond Secondary Plan permissions would be subject to strict holding provisions contingent on satisfying conditions related to servicing, traffic and urban design. This means that if these items are not addressed to the Town's satisfaction, then flexibility over and above the existing 15 to 18 storey height permissions and increased density would not be afforded. There may also be changes to the layout of the low density residential blocks as a result of traffic flow and design considerations.

Additional height and density, if implemented, would also be subject to the provision of satisfactory community benefits, as required by the Secondary Plan's height bonusing policy 3.1.15.2.12. The provision of community benefits is permitted by Section 37 of the *Planning Act* and can be a win for the municipality as it allows the Town to accept tangible community benefits for new and existing residents when granting increased density and/or height through a change in zoning. Staff note that community benefits do not

include items that are typically be required as part of the development or applicable fees such as development charges.

Staff are of the opinion that the proposed building heights and built form have been suitably accommodated on the subject site and the height gradation from west to east is compatible with the surrounding neighbourhood context and land uses. Staff are also of the opinion that the proposed development provides an appropriate level of intensification considering recent provincial policy direction that encourages higher densities and more efficient use of land. Although the development proposal exceeds minimum density targets, higher intensity, transit-supportive and pedestrian-oriented development is encouraged by Town, Regional and Provincial policies. The proposed development responds to the growing needs for residential uses in the Town of Lincoln and contributes to a vision for sustainable community development to accommodate everyone. Of additional consideration is that by virtue of holding provisions, there remains the ability to further assess infrastructure, traffic and urban design details in subsequent design stages where it is more appropriate to do so. The holding provisions are included so that these considerations inform the final built form. Through this zoning update, staff are simply providing the flexibility to consider the densities proposed as these design processes continue.

Parks, Open Spaces and Amenities

The updated Prudhommes Landing plan proposes to dedicate 6.02 ha (nearly 15 acres) of land to the Town as part of the Town's parks and open space system. This equates to approximately 19% of the subject lands. Approximately 4.34 ha of this area is comprised of the waterfront park (active and passive areas) and shoreline area that is approximately 1125 m long. Approximately 0.13 ha is comprised of an urban square in the Main Street area.

Current Prudhommes zoning provisions require a minimum of 6.0 square metres of outdoor amenity space for each block townhouse, back-to-back townhouse, and stacked townhouse dwelling unit, and a minimum of 4.0 square metres of indoor and outdoor amenity space for each apartment dwelling unit in the high-rise residential areas. In recognition of the increased residential density being proposed in the updated Prudhommes Landing plan, staff are recommending this amenity space requirement to be increased to a minimum of 10 square metres per townhouse and apartment dwelling unit, up to 15% of the total block area. This will ensure that adequate private recreational and open spaces are provided on-site. The updated Prudhommes Landing concept plan proposes to include a number of smaller pocket parks to support the primary waterfront park area. These areas are likely to be associated with condominium forms of development that are envisioned to be distributed throughout the plan area. This would supplement public parkland and open spaces that are required to be conveyed to the Town as parkland dedication to serve residents.

Finally, subject to detail design of the shoreline protection measures, there is a goal to maximize the availability of sand and cobble stone beaches along the waterfront where feasible.

Staff are of the opinion that there will be adequate parkland, open spaces, and on-site amenities available to accommodate the recreational and open space needs of the proposed residents.

Parking

During the initial zoning by-law amendment process in 2019, the provision of adequate parking including visitor parking, was an important consideration. The updated zoning does not propose any changes to the Prudhommes Landing parking requirements as they relate to specific land uses. Therefore, there has been the requirement for the applicant to update their parking numbers to reflect the proposed increased density of the site as no relief from required parking provisions is being sought.

The development proposes a total of 5,982 residential parking spaces, 910 commercial and employment parking spaces, and 214 on-street public parking spaces. This results in an overall residential parking provision of approximately 1.6 parking spaces per dwelling unit, with additional on-street public parking. A large proportion of the proposed residential dwelling units are comprised of apartment type dwellings, which has a parking requirement of 1.25 spaces per dwelling unit plus 0.25 visitor spaces per dwelling unit. This exceeds the proposed Town-wide apartment dwelling parking requirement of 1 space per dwelling unit plus 0.10 visitor spaces per dwelling unit.

Staff are of the opinion that the parking requirements in Prudhommes Landing, which are not proposed to change, are adequate to address the resident and visitor parking demand which will be generated by the proposed development.

Municipal Servicing

The Prudhommes Secondary Plan recognizes that future development of the area will require upgrades to the sanitary sewer system and water distribution system. This includes upgrades to the Regional Laurie Avenue Sewage Pumping Station (SPS), Town gravity sewer, and Town watermain. The Region's Laurie Avenue SPS upgrade has been designed and is anticipated to be tendered for construction in 2022. The Town's watermain upgrade is in the detailed design stage and will be funded largely through development charges. These infrastructure improvements were identified based on the density ranges provided in the Secondary Plan.

The required infrastructure and development phasing need to occur in a logical, efficient, and fiscally responsible manner. As such, Town staff are recommending a Holding provision be applied to the portion of the lands needing further analysis regarding servicing. This is intended to ensure that adequate provisions for water, sanitary servicing are available, to the satisfaction of the Town and Region, prior to development proceeding

on the high-rise residential blocks. Ongoing dialogue between Town and Regional staff has been undertaken with respect to the development of the holding provision to ensure that flexibility is provided to consider the more compact built form proposed as the long-term design and buildout process (likely in excess of 10 years) is undertaken. This flexibility is important at this stage considering the rapid rate of change in market conditions and policy updates. At the same time, the holding provision is structured to maintain the ability for the Town or the Region to address design requirements, as they occur, to further inform applicable zoning accordingly.

The Town and Region have already begun to have preliminary conversations on servicing. The Region will be working with the developer and the Town on an overall strategy to address phasing of development and associated infrastructure needs. This includes examining current capacities and future needs. There are different infrastructure solutions that will be examined as part of this work. An associated financial strategy will also be part of that undertaking. A sequential approach will be employed to ensure that only infrastructure that is needed is built. This approach was undertaken by the Region to ensure this development could proceed and provide flexibility to find a solution.

The Town has recently undertaken an overall municipal servicing capacity review of the Prudhommes area utilizing GMBP (GMBP), a consultant that specializes in this line of work and is familiar with Lincoln's existing municipal servicing system. GMBP has confirmed that in addition to the Town's planned watermain upgrade from 200 mm to 300 mm on Jordan Avenue from Fourth Avenue to North Service Road and along the North Service Road to Victoria Avenue, the existing watermain along Victoria Avenue from the North Service Road to King Street also will require upsizing from 200mm to 300mm to support the development being contemplated in the Secondary Plan area. Town staff are recommending additional Holding provisions be applied on the development which would require the developer to complete an Overall Servicing Phasing Strategy which includes details on the timing for potentially upsizing the watermain along Victoria Avenue from the North Service Road to King Street, all subject to review and approval by the Town. Staff note there may be watermain upsizing along Victoria Avenue from the North Service Road to King Street that is required to facilitate densities associated with later phases of the development. Staff further note that infrastructure improvements that are development-driven are funded by development charges and/or developer cost-sharing if there is an associated benefit to existing end users or if there is need for replacement given the condition of existing infrastructure. Regardless, development driven improvements are paid for by developers and not existing taxpayers.

GMBP has identified that the Region's planned Laurie Avenue Sanitary Pumping Station upgrade, which maximizes the capacity of the station, will likely not be sufficient to meet the full build-out of development being contemplated in the Secondary Plan area. Staff note that any further upgrades to the municipal sanitary system that are needed to support increased growth would be the responsibility of the developer(s) requesting additional density. This is reinforced through the proposed holding provision. Utilizing land use

permissions approved in the Secondary Plan, GMBluePlan identified servicing allocations that will assist in finalizing cost-sharing requirements for properties with increased density, including the Prudhommes Landing development. This approach considers overall servicing in a manner whereby development proposals at one property will not hinder future development on other properties in the Secondary Plan area.

The applicant at Prudhommes Landing submitted a Functional Servicing Report which confirms that, when allowances for future development on other properties in the Secondary Plan area are reserved, the sanitary capacity available for Prudhommes Landing will be sufficient to meet the first 9 of 12 phases of the development (see Appendix C for the Prudhommes Landing phasing plan). Additional sanitary capacity is anticipated to be required meet the sanitary requirements for the last 3 phases of the development which is expected to be constructed well into the future (i.e. approximately a 10 year horizon) and represents approximately 1,300 high-rise residential units.

Regional staff have noted that any development flows beyond the designed capacity of the Laurie Ave SPS will need to be addressed by construction of an additional pumping station and forcemain. Town staff in consultation with Regional staff, are recommending additional Holding provisions be applied on the development which would require the developer to complete an Overall Servicing Phasing Strategy which includes details on the timing and securities for a potential new sanitary forcemain and sewage pumping station if needed, as well as flow monitoring, all subject to review and approval by the Town and Region. It is anticipated that further work on this will be completed during the subsequent amendment to the draft plan of subdivision process. In addition, flow monitoring will be implemented as the development is phased, in consultation with the Region and Town, to determine ultimate need for additional sanitary capacity. The Region will respond to the needs of the location and infrastructure, only if needed.

The developer, Region, and Town staff have committed to collaborating immediately on the required Overall Servicing Phasing Strategy.

Staff note that any additional or upgraded servicing infrastructure that is required to facilitate the additional density, such as an additional pumping station and forcemain, will be at the developer's cost. Staff further note that infrastructure improvements that are development-driven are funded by development charges and/or developer cost-sharing; these are paid for by developers and not existing taxpayers. These financial conversations and an associated strategy will be developed.

Staff are satisfied that the recommended holding provisions adequately address all servicing matters by requiring further considerations at subsequent design phases when it is more appropriate to do so for a development of this scale. Furthermore, the development is required to plan the detailed servicing configuration for the lands and address any outstanding technical servicing matters prior to final subdivision approval, to the satisfaction of the Town and relevant agencies.

Traffic:

The proposed development is anticipated to be phased over approximately 10 years or more. The proposed development will have an impact on traffic throughout the nearby external road network. Niagara Region has jurisdiction over Victoria Avenue, North Service Road and South Service Road. The Ministry of Transportation (MTO) has jurisdiction over the QEW ramps and the MTO permit control area which extends 395 metres from the intersection of QEW and Victoria Avenue, as well as 46 metres from the QEW property line.

Town staff have and will continue to undertake extensive collaboration with Regional staff, MTO staff, and the developer team to plan transportation infrastructure improvements in the area. A more detailed and technical review of the site and surrounding road network will occur by the Town and agencies through the draft plan of subdivision planning process.

All transportation improvements required by the development will be the responsibility of the developer and are subject to Town, Region and MTO review and approval. The developer will be required to undertake future traffic monitoring to ensure that the recommended transportation improvements are phased as needed based on actual traffic patterns.

Staff are recommending that the zoning update for the property be subject to a Holding “H” provision to ensure that a final approved Transportation Impact Study is submitted to the satisfaction of the Town, Region and MTO, and includes future required transportation upgrades. The Holding provision would also require that the developer prepare a suitable financial arrangement to the satisfaction of the Town, Region and MTO, with respect to the required transportation infrastructure upgrades. During the process leading up to the preparation of this report, the Region and MTO have confirmed acceptance of this approach.

Areas Subject to the Future Official Plan Conformity Exercise and Housekeeping items

As described earlier in the Regional Official Plan section of this report, the Regional Official Plan (ROP) is expected to be adopted by Regional Council imminently or by the time this report comes to committee it should be ratified and approved by Regional Council. Shortly after this, the Town will be required to update its Official Plan to conform to the ROP. This is a process all municipalities must undertake.

As part of the Town’s Official Plan conformity exercise, updates to the Prudhommes Secondary Plan will be included to:

- Permit additional single-detached dwellings along the north side of the Waterfront Promenade.

Staff note that updated concept plan includes a continuous waterfront trail and publicly-owned and accessible waterfront open space, as originally planned. An

8 metre wide open space area is proposed west of the additional 11 single-detached dwellings on the Waterfront Promenade to provide a trail link to the shoreline and views to Lake Ontario.

- Revise the location of the Employment area, from the westerly section of North Service Road to the main entrance of Prudhommes Landing, fronting on North Service Road as well as the planned Main Street area.

Employment floor space within the plan has been increased as a result of the proposed concept plan. The proposal will provide approximately 1000 jobs within the project which is within the range identified in the Prudhommes Secondary Plan. The revised location does maintain aspects of the Secondary Plan in that some of the lands retain full frontage on the North Service Road and generally, exposure along the QEW is maintained from the proposed Main Street. The proposed reconfiguration includes clustering of businesses and economic activities and locates them in a prominent area to define the gateway of the main entrance into the lands. In addition, the reconfiguration consists of an adaptation to the Covid-19 pandemic which has largely transformed the portfolio of employment models to include increased remote and Hybrid options, in addition to traditional on-site employment opportunities. Employers continue to find ways to decrease footprint of their office portfolio and reduce capital costs and they favour proximity and connection to attract and retain young talent. To fit with these objectives, the proposal therefore decreases the overall employment lands footprint, while increasing the overall square footage, situating, and aiming to attract a larger work force around active hubs adjacent to the North Service Road and within the Main Street core. The intent is to offer better representation of the current marketplace in greater compatibility and flexibility for a diverse range of work models that support a liveable and resilient community.

The zoning updates for these areas would be deferred as a housekeeping item and would not come into effect until the above conformity exercise has been completed.

The proposed areas subject to the Town's conformity exercise are outlined in the Prudhommes Zoning Schedule attached as Appendix B.

Conclusion

Based on the above, Planning staff are of the opinion that the proposed new Comprehensive Zoning By-law is consistent with provincial policy and conforms to the Town Official Plan in terms of its structure and permissions. Therefore, staff recommend that the new Comprehensive Zoning By-law be approved including zoning updates to the Prudhommes development area.

Processing Timelines

Date of Project Initiation: March, 2019

Processing Time: Approximately 3 years, 3 months

New Comprehensive Zoning By-laws typically take 2-3 years to complete as they are complex documents and require extensive consultation with the public and stakeholders. A number of meetings were held with multiple stakeholders to address comments and concerns and some components were expedited separately as noted above. In addition, the covid pandemic caused some delays and required some consideration of employment type uses.

Financial, Legal, Staff Considerations

Financial: The project has been completed in combination with Staff and a consulting firm. The work with the consulting firm is now complete. The project was approved and accounted for in the Town's consulting budget. The project's initial budget of \$85,650.00 was revised to accommodate additional work on Cannabis Provisions as well as Parking Provisions for a total revised budget of \$105,650.00. The project has slightly exceeded the budget by less than 10% (i.e., approximately \$10,000).

The Town may also see a reduction in the volume of Zoning By-law Amendment and Minor Variance applications because the new Zoning By-law will be more in line with current development trends and therefore a reduction in planning application revenue received.

Staffing: There are no additional staffing requirements anticipated as a result of the consideration of this report.

Legal: In the event that Council's decision is appealed to the Ontario Land Tribunal, legal costs could be incurred by the Town.

Public Engagement Matters:

As previously stated in this report, Stakeholder meetings, Public Open Houses and a Statutory Public Meeting were held throughout this project to gather input and receive feedback to shape the proposed Comprehensive Zoning By-law document.

A Stakeholder meeting and a Public Open House was held in December 2021, to receive feedback from stakeholders and the public on the preliminary Draft Comprehensive Zoning By-law.

The following input was received at the stakeholder meeting:

- Concern about the permitted building height for singled detached dwellings being 12.5 metres. Suggest it be lowered to 9.0 metres.
- Concerns regarding secondary dwelling units in townhouse not being able to provide sufficient parking spaces.

- Note that the Region is in the process of completing an Official Plan Review and that the Town Official Plan will be required to be updated to conform to the Regional Official Plan. As such, the Town Zoning By-Law will also have to be updated to reflect the updated Town Official Plan.
- Question regarding how the Prudhommes development will be incorporated into the current Zoning By-Law Review process.
- Question regarding parking requirement for secondary dwelling units and whether the Town has considered not requiring a parking space for secondary dwelling units, and whether the requirement will change with improved transit systems.

The following input was received at the Public Open House:

- Concerns about the removal of the R2 Zone. Concerns that the new uses, such as the semi-detached dwelling being added into R1 zone will lead to infill activities, where large homes will be purchased to be severed into smaller lots for the purpose of developing semi-detached dwelling. Concern was raised that this will change the character of the neighbourhood and would create a situation where a stable neighbourhoods will become a constant construction zone. Suggestion was made for the R2 zone to remain and that the R1 zone be limited to single detached dwellings.

Town staff note that this concern was also raised by Council members and upon further discussions with the consultant, it was agreed that the R2 Zone would remain in the final Zoning By-law.

- Concern about R1 & R2 Zones being adjacent to RM1 Zones and density transitions.
- Clarification request on how the existing R2 Zone will be split into the R1 or the RM1 Zone.
- Request for additional information on the uses permitted in the Agricultural Zone, particularly Agriculture-Related uses.
- Question regarding agri-tourism only permitting a limited amount of accommodations.

In addition to the above comments, Planning Staff received written correspondence from property owners/consultants regarding provisions specific to their properties. These comments and how they were addressed are included in the chart on the following pages.

The Draft Comprehensive Zoning By-law was also circulated to relevant government agencies and Town departments. To date, the following comments have been received:

- **Enbridge Gas and the Ministry of Transportation** have no concerns with regards to the proposed Comprehensive Zoning By-law.
- **Metrolinx** advised that should any zoning or land use conversion of the lands identified for a proposed GO Station as per the Beamsville GO Transit Station Secondary Plan be contemplated, Metrolink requests that the Town consider implementing a holding provision on such conversion subject to delivery of a GO Rail Station.
- **Niagara Escarpment Commission (NEC)** advised that new digital NEC mapping provides greater accuracy to the development control area and as a result some areas have been refined. The NEC noted that some areas in the Zoning By-law mapping do not match the refined development control area boundaries.
- **Niagara Region Planning and Development Services (NR)** have advised that there are a number of inconsistencies between the Environmental Conservation (EC) Zone illustrated in the mapping within the Regional Official Plan and Town Official Plan. NR also advised that there are a number of discrepancies between the urban boundary identified in the Regional Official Plan and schedules in the Zoning By-law, as well as some minor revisions of a technical nature.

More recently, a Statutory Public Meeting was held for the proposed Comprehensive Zoning By-law on February 28, 2022 and the following input was received from members of the public and Council:

- Uses in Residential Multiple Zones (i.e RM1, RM2, RM3) are too broad. A review of negative impacts should be completed. Specifically with regards to the Beamsville South area.
- Maisonettes/Back to Back townhouses should not be permitted in an RM1 Zone and the Maisonette wording should be replaced.
- Concern with the reduction in required parking spaces
- More public consultation should have occurred for Prudhommes development area
- Concern that the Zoning By-law does not address intensification or support affordable housing
- Concerns with the Prudhommes updates with regards to lack of consultation, increased density, heights, removal of employment lands
- More agricultural diversification, agri-tourism, and agri-education options

The chart below outlines how the proposed new Comprehensive Zoning By-law addresses the comments and concerns listed above:

Public Comments/Concerns:	How it was addressed	Rationale
Single detached dwelling height should be lowered to 9m	Maximum height remains at 12.5m.	This is consistent with maximum heights for residential dwellings in most municipalities.
Parking concern with Secondary Residential Dwelling Units in townhouses	Secondary Residential Dwelling Units require 1 parking space in addition to the required number of parking spaces for the main residential use	All required parking is to be provided on site to reduce on street parking concerns.
Removal of R2 Zone resulting in increased density in R1 Zone	R2 Zone to remain	It is standard practice to contain R1 and R2 zones within Zoning By-laws to permit varying size properties and uses within each zone.
Density transitions concern	Guided height and transition provided adjacent to established or low-rise neighbourhoods	This is in keeping with good planning principles to reduce negative impacts of development on existing neighbourhoods and by providing angular plane analyses.
Request to remove Maisonettes in the RM1 Zone	Removed from the RM1 Zone. Removed the term Maisonette and replaced with Back-to-Back townhouses	To remain in the higher density zones, i.e. RM2 and RM3 and zoning provisions will ensure design compatibility
More agricultural diversification, agri-tourism (accommodations), and agri-education options needed	Where agriculture is permitted, agriculture-related uses, agri-tourism uses, and on-farm diversified uses are permitted as of right to a maximum size	This is in keeping with Provincial guidelines.
		The new Zoning By-law must conform to the current

Add industrial uses to the new Office Commercial Zone so that existing permitted uses remain (Court Holdings)	N/A	Official Plan which lays out general uses. There will be an opportunity to address these comments further when the conformity exercise is completed.
Hotel definition in GC should include apartment dwelling units up to 50% of the GFA, height for casino/hotel/motel up to 35m, lot coverage of 50%, max front yard setback as required by MTO, 2 year moratorium exception (Ramada Beacon Hotel).	Front yard setback to be determined by MTO, 2 year moratorium recommended to be exempted.	Apartment dwelling unit GFA, height, and lot coverage provisions to be determined by a subsequent site specific Zoning By-law Amendment.
Lack of support for Intensification or affordable housing	The Zoning By-law implements Secondary Plan Area policies focusing on accommodating growth. Secondary residential dwelling unit provisions added in all residential zones.	More housing options provided to create diverse, walkable and compact built form.
Agency Comments/Concerns:	How it was addressed	Rationale
Holding Provision if any zoning conversions on future GO Rail Station lands	No zoning conversions on GO Rail Station lands	N/A
NEC development control areas boundaries do not match	Zoning maps updated to match NEC development control layer	Creating maps that align with no discrepancies make for clearer interpretation.
Conformity to Regional Official Plan	Corrected minor issues of alignment. Some alignment discrepancies remain between the Town's Official Plan and the Region's current Official Plan	Once the Region's New Official Plan is adopted, a conformity exercise is required. At that time, any outstanding conformity concerns with the Town's Zoning By-law and Official Plan will be aligned with the Region's new Official Plan.
Prudhommes – lack of public consultation,	A separate open house was held specific to the	N/A

increased density, heights, removal of employment lands	Prudhommes updated zoning concept in April 2022 as noted above. Notice issued for this project also specifically references the Prudhommes development and there is a separate Speak Up Lincoln page where associated information is available.	
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Prudhommes Development Area

Town staff met with representatives of the Victoria Shores Community Association on March 29, 2022 to discuss the updated Prudhommes Landing concept. During this meeting, there were general comments on traffic movement and how this would be addressed in the subsequent design phases, along with servicing. The holding provision approach was explained to those in attendance. Comments were also generally made in support of the project starting construction as soon as possible.

A Public Information Centre was held on April 27, 2022 from 4:00 pm to 7:00 pm at the Fleming Centre to provide information and receive input on the Prudhommes updates to the Zoning By-law. The session was attended by approximately 60 people. Attendees were generally supportive of the updated Prudhommes Landing Concept Plan and were interested to receive updates on the expected timeline for development and the proposed phasing schedule. The following general comments were received:

- Concern that Street E would form a through street from Prudhommes Landing to Victoria Shores via Dustan Street/Edgewood Crescent.

Staff confirmed that Street E will be blocked to prevent vehicular through access and would be utilized for emergency access only, if needed.

- Single-detached dwellings and lower building heights would be preferred adjacent to the Victoria Shores neighbourhood.

The concept plan has since been revised to replace the proposed townhouses east of the existing drainage channel, on both sides of Street B with single-detached dwellings. The proposed townhouses south of the existing drainage channel have also been reduced from 2.5 storeys to 1 storey bungalow townhouses.

- The road network in the area will need to be improved to address traffic generation from this development.

Staff confirmed that as the development is phased and built-out, improvements to the existing road network surrounding the development area will be needed. Staff also confirmed that the detailed design of these improvements will be addressed during the subdivision planning process and that a holding provision on the high-rise residential areas is being proposed which would require sufficient road network functionality be available to accommodate the proposed development to the satisfaction of the Region and Town, prior to the high-rise residential development proceeding. In addition, as part of the development process, the developer would be required to build and fund all road improvements that are needed to accommodate the development.

The updated Prudhommes Landing Concept Plan, an accompanying Functional Servicing Report, Planning Justification Report, Urban Design Brief, landscape concept, and the draft Prudhommes Zoning By-law Amendment was circulated to relevant government agencies and Town departments. The following agency comments have been received:

- **Niagara Region Planning and Development Services (NR)** have provided comments from a Provincial and Regional perspective to assist the Town regarding the draft Amendment with respect to the Prudhommes area. Regional comments relate to Provincial and Regional Policy, Urban Design, General Servicing, Core Natural Heritage, and Traffic.

Regional staff have noted that the subject lands are located within the built boundary and the proposed amendment would continue to assist the Town in achieving its intensification target as set out in the Regional Official Plan and would also increase the mix and range of dwelling options and supply in Niagara.

Regional staff note further that the proposed amendment exceeds the maximum height permissions and growth allocation as outlined in the Secondary Plan which will potentially result in a greater sanitary flow at build-out than originally considered. Regional staff note that the Regional Laurie Avenue Sewage Pumping Station upgrade that is scheduled for the area is likely unable to support the proposed increase in density at full build-out. As such, Regional staff have requested that a Holding Provision be implemented on the development that would require the developer to complete a Servicing Phasing Strategy which includes details on the timing and securities for a new sanitary forcemain and sewage pumping station (SPS), to be designed and constructed at the developer's cost, all of which are subject to the review and approval by the Town and Region. The sanitary forcemain and sewage pumping station would only be constructed if required, to be determined through flow monitoring as the subdivision is phased. If required, the Draft Plan would also need to be revised to identify land that could be utilized for the new SPS. Town staff are recommending this proposed Holding Provision be implemented in the zoning update on the development lands.

Regional staff have also provided technical comments relating to traffic and have advised of future necessary widening for the North Service Rd. Road allowance. Town staff note that holding provisions have been proposed which would require sufficient road capacity to be available to accommodate the proposed development, to the satisfaction of the Region and Town.

Regional staff have recommended that some of the proposed zoning changes be implemented following the Town's Official Plan conformity exercise. This consists of the new single-detached lots along the Waterfront Promenade, the re-location of Employment uses further east along the North Service Road and in the Main Street Mixed Use area and the resulting residential development in their previously proposed location. Town staff agree with the Region's comments which are reflected in staff's recommendations.

Regional staff have noted that a Monarch Habitat Creation and Management plan was recommended for the site, adjacent to Lake Ontario, by the Environmental Impact Study (EIS) submitted in 2019. Staff have advised that a revised EIS will be required at the subsequent Draft Plan Revision stage to confirm the details of this requirement.

Regional staff have acknowledged that some of the technical and design considerations provided can be managed through subsequent planning applications as appropriate. Town staff have and will continue to work with Regional staff in this regard.

- **NPCA** reviewed and commented on the Prudhommes Secondary Plan Area only. The NPCA has no objection in principle but noted that there is outstanding geotechnical information required in order to provide a fulsome review and to determine accurate zone boundaries with respect to the Lake Ontario shoreline erosion hazard limit and the natural hazard limit of the valleylands. NPCA staff have also noted that an open watercourse channel is preferred and that the proposed piping of the watercourse would require further work through the submission of a revised Environmental Impact Study. NPCA staff cannot confirm support for the proposed watercourse until this additional work is reviewed and approved. Town staff note that this technical work will be required to be addressed at the subsequent Draft Plan Revision stage.
- **MTO** has advised that it has no objections to the proposed application in principle. Staff have advised that a more detailed review of the site will occur at the draft plan revision stage and MTO will likely impose conditions for: engineering/internal road construction plans, lighting, drainage, and traffic.

MTO Staff have noted that should the Traffic Impact Study that is to be submitted at the Draft Plan Revision stage show the need for highway improvements as a result of development, a legal agreement will be required with MTO with respect

to the developer's responsibility for 100% of the associated costs of design and construction.

Staff have also noted that no features which are essential to the overall viability of the site are permitted within the MTO 14 m setback area (north edge of the North Service Road right-of-way). Essential features include, but are not limited to, buildings/structures (above or below grade) including shoring/tie backs, required parking spaces (required per the municipal zoning by-law), retaining walls, utilities, stormwater management features, snow storage, loading spaces, fire routes, essential landscaping, etc.

Conclusion:

Staff and the Town's Consultant have conducted a Comprehensive review of the existing Zoning By-law and have developed a new Comprehensive Zoning By-law for the entire Town including new updates to the Prudhommes development area. Public participation has been a critical component of this process and there has been significant public engagement throughout the process. The New Comprehensive Zoning By-law will assist in implementing Provincial, Regional and Town Planning Policies and Council Priorities. Staff recommend approval of the New Comprehensive Zoning By-law and zoning updates to the Prudhommes development area.

Respectfully submitted,

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Appendices:

Appendix A1, A2, and A3 – Proposed New Comprehensive Zoning By-law including Zone Maps

Appendix B – Proposed Prudhommes Development Area Zoning Schedule A4 and Zoning By-law Amendment

[Appendix C – Updated Prudhommes Landing Concept Plan, Phasing Plan and Visuals \(June 2022\)](#)

Notification:

Notification of this meeting was provided to those who attended Stakeholder sessions or Public Open Houses, provided written request to be notified or submitted comments in

writing. Notification of the Comprehensive Zoning By-law was also published in the local newspaper, on all social media platforms, and on the Town's Speak Up Lincoln webpage.

Report Approval:

Report has been reviewed and approved by the Director of Planning & Development Department. Final approval is by the Chief Administrative Officer.