

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2024-XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2022-50,
AS AMENDED, OF THE TOWN OF LINCOLN
(4933 VIC COURT GLOBIZEN GP INC.)

WHEREAS:

1. The Town of Lincoln Council is empowered to enact this By-law by virtue of the provisions of Sections 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended ("*Planning Act*"); and
2. The Town of Lincoln Committee of the Whole considered and approved the Recommendations in Report PD-41-24 associated with this By-law on December 2, 2024.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN HEREBY ENACTS AS FOLLOWS:

1. That Schedule 'A4' to Zoning By-law No. 2022-50, as amended, is hereby amended by changing the zoning on the lands shown as the subject lands on Schedules 'A' and 'B', attached hereto and forming part of this By-law, from a Future Development, Exception 1 (FD-1) Zone and Environmental Conservation (EC) Zone to the Zones as follows:
 - (a) Part 1 is hereby rezoned to a General Commercial, Exception ## (GC-##)(H) Zone;
 - (b) Part 2 is hereby rezoned to an Environmental Conservation (EC) Zone; and
 - (c) Part 3 shall remain Environmental Conservation (EC) Zone.
2. That Subsection 7.5, Zone Exceptions is hereby amended by adding the following subsection:

"7.5.## GC-## (MIXED USE)

Notwithstanding the provisions of the General Commercial Zone, the lands indicated as GC-## (H) on Schedule 'A4' shall be used for a mixed-use development which includes both commercial and residential uses and shall be limited to the following uses:

7.5.##.1 PERMITTED USES

- (a) Ancillary Apartment residential units including ancillary residential uses
- (b) Artisan shop
- (c) Banquet and/or convention centre
- (d) Brewery or Distillery
- (e) Clinic
- (f) Community centre
- (g) Commercial or private club
- (h) Commercial school

- (i) Convenience store
- (j) Culinary school
- (k) Daycare centre
- (l) Eating establishment (excluding drive-thru facility) – Any outdoor patio use above the 3rd floor shall be located with a minimum separation distance of 100 metres from any residential building in an R1 or R2 Zone
- (m) Institutional use
- (n) Financial use
- (o) Hotel
- (p) Inn
- (q) Office use
- (r) Parking area
- (s) Personal service use
- (t) Place of entertainment
- (u) Post office
- (v) Retail use
- (w) Retirement home including accessory dwelling units, only permitted above the ground floor
- (x) Specialty food store

7.5.##.2 PROVISIONS

Notwithstanding the provisions of the General Commercial Zone, the lands indicated as GC-## (H) on Schedule 'A4' shall be subject to the following provisions:

- (a) Maximum Residential Density – 290 units per hectare
- (b) Maximum Building Height – 13 storeys to a maximum of 48 metres.
- (c) Minimum Front Yard Setback – 0 metres, except residential dwellings on the ground floor shall be setback 3.0 metres from the streetline.
- (d) Minimum Interior Side Yard Setback (adjacent to an R1 or R2 Zone) – 6.0 metres, except that where any portion of the building is of a height greater than 15.0 metres and abuts a R1 or R2 Zone, that portion of the building shall be setback from the R1 or R2 Zone a minimum distance of the height of the building.
- (e) Minimum Rear Yard Setback – 6.0 metres

- (f) Maximum Lot Coverage - N/A
- (g) Minimum Landscaped Open Space - 20%
- (h) Minimum Width of a Planting Strip Adjacent to a R1 and R2 Zone - 3.0 metres
- (i) Maximum Ground Floor Area Occupied by Dwelling Units - 50% of the ground floor of the building(s), measured across the site as a whole.
- (j) Minimum Amenity Area Required - 10 square metres per dwelling unit.
- Notwithstanding the above clause, the required amount of amenity area shall not be required to exceed fifteen percent (15%) of the lot area.
- (k) Outside Storage Accessory to a Commercial Use - Prohibited
- (l) Minimum Parking Requirements
 - (i) Dwelling Unit in a Mixed Use Development - 1.0 spaces per dwelling unit plus 0.10 visitor spaces per dwelling unit
- All required visitor parking spaces shall be clearly identified, demarcated, and signed accordingly.
 - (ii) Hotel - 1.0 spaces per hotel suite
- Parking spaces for Hotel Use may be designed to include the use of tandem or stacked parking where a parking attendant is on-site or a valet service is provided, limited to up to 50% of the required number of Hotel use parking spaces.
 - (iii) Eating Establishment - 1 space per 8 square metre of Public Floor Area
 - (iv) All Other Uses - In accordance with the provisions of Section 4
- Accessible Parking Spaces required in accordance with provisions of Section 4
- (m) Shared Parking Requirements for Mixed Use Developments
 - (i) Place of Entertainment - Weekday and Weekend Rates:
Morning: 100
Afternoon: 100
Evening: 50

Overnight: 50

- (ii) All Other Uses – In accordance with the provisions of Section 4
- (n) Minimum Long-Term Bicycle Parking Requirements – 0.25 spaces per dwelling unit. Long-term bicycle parking spaces shall be for the use of occupants of a building and shall be located in a secure enclosed bicycle parking area.
- (o) Minimum Parking Aisle Width – 6.0 metres
- (p) All parking spaces, parking areas, and ramps shall be located to the side and/or rear of all buildings, except where screening is provided.
- (q) To permit up to 60% of residential parking spaces and up to 50% of residential visitor and non-residential parking spaces to be 2.75 m x 5.6 m in size, whereas a minimum stall size of 2.75 m x 5.8 m is required.
- (r) A minimum of 40% of the building façade on the ground floor, and 25% of the building façade for floors above the ground floor, that is oriented toward a public street shall be occupied by glazing, doors, and/or green wall.

7.5.##.3

That the “H” symbol shall, upon application by the landowner, be removed by the Town passing a By-law under Section 36 of the *Planning Act*. The following conditions shall first be completed to the satisfaction of the Director of Planning of the Town of Lincoln:

- (a) Sufficient water and wastewater services are or will be available to accommodate the proposed development to the satisfaction of the Town of Lincoln;
- (b) That suitable financial arrangements have been prepared to the satisfaction of the Town of Lincoln, and if required the Regional Municipality of Niagara, with respect to any cost sharing arrangements, if applicable, pertaining to any servicing infrastructure requirements including any potential exceedances of sanitary sewer allocation; and
- (c) The Owner has entered into a Site Plan Agreement and the Agreement has been registered on title.”

- 3. This By-law shall come into force and take effect on the date of its final passing.

PASSED AND ENACTED on the Xth day December, 2024

MAYOR: SANDRA EASTON

CLERK: JULIE KIRKELOS

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW
NO. 2024-XX

This By-law involves a parcel of land located on the east side of Victoria Avenue North, adjacent to Lake Ontario, in the Prudhommes Urban Area. The subject lands are composed of part of Lot 23, part of Broken Front Concession Next to Lake Ontario in the former Township of Louth in the Town of Lincoln.

The subject lands are currently vacant, and were previously used for industrial purposes. The subject lands are to be developed for mixed use purposes, consisting of a stepped 1-13 storey building with residential, hotel and commercial uses.

The subject lands are currently zoned as Future Development, Exception 1 (FD-1) Zone according to Zoning By-law No. 2022-50, as amended. This By-law changes the zoning on the subject lands to a General Commercial, Exception ## (GC-##) (H) Zone and an Environmental Conservation (EC) Zone to permit development of the mixed-use building and establish an environmental conservation area of approximately 5,699 square metres.

Part 1 has been zoned with a (H) holding provision. This provision ensures that the lands cannot be developed until the (H) is removed by by-law. It is not intended that the (H) be removed until the applicant has satisfied the Town that all such provisions have been adequately addressed. That will include the requirement that sufficient water and wastewater services are or will be available, suitable financial arrangements have been prepared with respect to cost sharing arrangements for sanitary sewer allocation, and the applicant enters into a site plan agreement, the agreement being registered on title, all to the satisfaction of the Town.