



# **URBAN SOLUTIONS**

PLANNING & LAND DEVELOPMENT



## Land Use Compatibility Assessment – Addendum

**Ontario Street and Greenlane Road, Beamsville ON  
Zoning By-law Amendment  
Project No. 364-20**

Prepared for Greenlane Joint Venture Inc. c/o Peter DeSantis Sr.  
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## 1.0 Introduction

UrbanSolutions Planning & Land Development (UrbanSolutions) was retained by Greenlane Joint Venture Inc. (the Owner) to conduct a Land Use Compatibility Assessment at the North East corner of Ontario Street and Greenlane in the Town of Lincoln. The Assessment is a requirement of the Region of Niagara and was identified through the Pre-Consultation process with the Town of Lincoln and the Region. Compatibility is often defined and viewed as land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Moreover, compatibility or compatible uses should not be narrowly interpreted to mean “the same” or even as “being similar to”.

Since the first comprehensive submission of the Zoning By-law Amendment and all of the supporting material, the concept has evolved to now include the following:

- The building height for the majority of the development has been reduced from 10 storeys to 8, with a 10 storey portion remaining at the western portion of the site;
- A distinct three storey podium has been introduced with floors four to eight further stepped back from Greenlane;
- “Walk-outs” units have been introduced along Greenlane to improve the pedestrian realm, transition in height and street interface;
- The number of parking spaces has been increased from 404 spaces to 450 spaces;
- 302 square metres of commercial space are proposed for the ground floor; and,
- “flex” spaces has been introduced to the zoning by-law to accommodate live/work permissions.

The initial submission of the Land Use Compatibility Assessment assessed the development in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-6 Guidelines which intended to address land use compatibility between the proposed sensitive land use and the nearby industrial uses. As discussed, and reviewed by the Region, the Assessment classified nearby industries, identified appropriate setbacks, spoke towards as of right permissions within the Zoning By-law and concluded that: Due to the classification of industries, distances between the subject lands and applicable industries, it is UrbanSolutions’ opinion that the proposed development is compatible with the surrounding area as there are no adverse impacts that will affect the proposed development. Based on a review of the subject lands, surrounding uses, and applicable planning and policy framework, the proposed development is an appropriate form of development and represents good planning.

Upon the review of the Region of Niagara, further evaluation of industries that did not obtain or presently have an Environmental Compliance Approval (ECA) was requested. This is due to the Town’s designated employment lands located north of the site and rail corridor being identified as a draft employment area through the Region’s on-going municipal comprehensive review.

With the Region currently conducting a municipal comprehensive review, Appendix 10.4 of the draft policy identifies the lands north of the rail line as Employment. Appendix 10.3 – Draft Employment Policies, Section 4.2.1.1 d) states that “ensuring that the introduction of non-employment uses, if appropriate, would be limited and not negatively impact the primary function of the area;”. The uses proposed and outlined in the MCR can be considered to be Class I Industries (or non at all) as they are also similar to the current designation and uses permitted by the Town. As such, they would require a 20m

setback from sensitive landuses and would have a 70m influence area. If, for whatever reason an industry or business with complex or unique types of operations, such as landfill sites, or wastewater treatment plans, were to occupy any lands to the north they would be required by law to meet the specific conditions set out in their required Environmental Compliance Approval. Moreover, if a new industry were to occupy that area, and produce unwarranted omissions, recommendations from the revised Noise Study produced by Thornton Tomasetti would mitigate them at their receptor. This is further discussed in Section 2.0.

## 2.0 Revised Noise & Vibration Impact Study & Mitigation Recommendations

As identified within Thornton Tomasetti's revised report, the significant noise sources are from road traffic on Ontario Street and Greenlane in addition to rail traffic on the CN Rail line. Furthermore, 4641 Falletta Court was identified as a stationary noise source while no other significant stationary noise sources surrounding the subject lands were identified during their field work. This confirms that up to the date of the testing, there would be no other stationary noise emissions from the employment lands to the north affecting the proposed development. Moreover, as outlined in Thornton Tomasetti's report, when it comes to future stationary noise sources (such as the employment lands drafted in the Regions MCR), noise emissions from all significant stationary noise sources they will be subject to the guidelines outlined in Part C of the MECP publication NPC-300 "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning".

Regarding mitigation requirements between studies submitted, the recommendations provided in Thornton Tomasetti's report encompasses the requirements that have also been set out by CN Rail, Aecom, and Jade. These mitigation measures include constructing a 2.135m high crash wall, in addition to a noise barrier parallel to the railway right-of-way and 5.5m above the rail. It is also recommended that a 1.4m high and 65m long Noise Barrier be installed for the OLA proposed on the 9<sup>th</sup> floor. As such, it is recommended that these mitigation measures be implemented and finalized through the future Site Plan application to the Town of Lincoln.

In regard to the existing stationary noise source, Thornton Tomasetti conducted measurements and further analyzed potential sources. To summarize, noise from existing stationary sources is expected to exceed the MECP limits at the nearest noise-sensitive receptor at the Project unless noise mitigation measures are implemented. As such, it is recommended that the noise mitigation measures outlined in Section 5.2.1 of Thornton Tomasetti's report be implemented at the site plan application stage.

## 3.0 As-of-Right Permissions Town of Lincoln Zoning By-law No.93-14-Z1

To reiterate, Zoning By-law No. 93-14-Z1 of the Town of Lincoln was passed by council on February 15, 1993 and as amended by the Ontario Municipal Board in an Order dated October, 1995 and consolidated in February, 2020. The Zoning By-law further implements the policies found within the Town's and Region's Official Plans, the By-law is used to regulate and restrict the use of land within the Town. If a use is permitted underneath the Town's Zoning By-law it is considered to be permitted 'as-of-right'.

In addition to confirming ‘as-of-right’ land use permissions, the purpose of the Town’s Zoning By-law is to provide regulations and standards for lot size, yard requirements, lot coverage, building height, parking requirements, etc.

Chart 1 – As-of-Right Permission – Schedule ‘A1’ below notes the ‘As-of-Right Permission’ of the Zones within proximity of the subject lands. These uses are all subject to Zone Provisions within the by-law which further regulate lot frontage, lot area (minimum and maximum), yard requirements, building height, outdoor storage, and parking. Zoning provisions are put in place to ensure development standards are maintained, and proposed developments are compatible with surrounding areas.

The highlighted ‘As-of-right Permissions’ in Chart 1 may be considered more intrusive/noxious/noisy than a typical as-of-right permission. Although this may be the case, these uses are still required to be in compliance with the Zoning By-law. In addition to meeting the regulations set out by the Zoning By-law, certain As-of-Right Permissions, depending on the operations and logistics of the business, may be required to apply for and obtain an Environmental Compliance Approval. This typically occurs for businesses with complex or unique operations. These businesses are then required by law to meet the specific conditions set out within the Environmental Compliance Approval (as described in Section 3.1 of this report). Moreover, the Zoning By-law sets out uses that are prohibited within the Town of Lincoln. This further aids land use compatibility as it restricts uses that have been deemed too obnoxious, noxious, or incompatible with the Township. The prohibited uses are further outlined in the Chart 1 below.

Zoning By-law No.93-14-Z1 As-of-Right Permission – Schedule ‘A1’		
Zone	As-of-Right Permission	
Industrial Zone (IN)	<ul style="list-style-type: none"> <li>• Adult entertainment parlour</li> <li>• Auction centre</li> <li>• Automotive use</li> <li>• Building supply and service</li> <li>• Commercial school</li> <li>• Contractor's yard</li> <li>• Equipment sales and rental establishment</li> <li>• Farm service and supply establishment</li> <li>• Flea market</li> <li>• Industrial repair garage</li> <li>• Manufacturing</li> <li>• Merchandise rental use</li> <li>• Office use</li> </ul>	<ul style="list-style-type: none"> <li>• Printing and/or publishing establishment</li> <li>• Public transportation depot</li> <li>• Retail use accessory to a permitted use</li> <li>• Service or repair use</li> <li>• Special trade contractor</li> <li>• Swimming pool sales and service outlet</li> <li>• Truck transport terminal</li> <li>• Vehicle body shop</li> <li>• Parking lot</li> <li>• Veterinary Clinic</li> <li>• Wholesale use</li> <li>• Outside storage accessory to a permitted</li> </ul>
Prestige Industrial Zone (PI)	<ul style="list-style-type: none"> <li>• Auction centre</li> <li>• Automotive use</li> <li>• Banquet and/or convention centre</li> <li>• Commercial school</li> <li>• Eating establishment</li> <li>• Equipment sales and rental establishment</li> <li>• Farm service and rental establishment</li> </ul>	<ul style="list-style-type: none"> <li>• Merchandise rental use</li> <li>• Motel/hotel</li> <li>• Office use</li> <li>• Personal service use</li> <li>• Place of entertainment</li> <li>• Research centre</li> <li>• Retail use accessory to a permitted use</li> <li>• Service repair use</li> </ul>

	<ul style="list-style-type: none"> <li>Financial use</li> <li>Household furnishing establishment</li> <li><b>Manufacturing</b></li> </ul>	<ul style="list-style-type: none"> <li>Veterinary Clinic</li> <li>Warehouse</li> <li>Wholesale use</li> </ul>
General Commercial Zone (GC)	<ul style="list-style-type: none"> <li>Ambulance service</li> <li>Animal hospital excluding outside pens</li> <li>Automotive use, except that new automotive uses are not permitted within the Central Business District Area</li> <li>Bed and breakfast establishment</li> <li>Clinic</li> <li>Commercial or private club</li> <li>Commercial school</li> <li>Culinary school</li> <li>Daycare centre</li> <li>Eating establishment</li> <li>Financial use</li> <li>Firehall</li> </ul>	<ul style="list-style-type: none"> <li>Funeral home</li> <li>Hotel/motel</li> <li>Inn</li> <li>Office use</li> <li>Parking lot</li> <li>Personal service use</li> <li>Place of entertainment</li> <li>Police station</li> <li>Post office</li> <li><b>Public Transportation depot</b></li> <li>Retail use</li> <li><b>Service or repair use</b></li> <li>Accessory dwelling units in conjunction with one or more of the permitted uses</li> <li>Accessory outside storage</li> </ul>
<b>Zoning By-law No.93-14-Z1 Section 6.38 Uses Prohibited in all Zones</b>		
Uses Prohibited in all Zones	<ul style="list-style-type: none"> <li>Food carts, except in accordance with subsection 6.35(g)</li> <li>Commercial manufacturing of fertilizers</li> <li>Junk yard, salvage yard, vehicle wrecking yard or the collection, storage or sale of junk, salvage, partially or completely dismantled motor vehicles or trailers, or parts of motor vehicles or trailers or the stockpiling of used tires</li> <li>Locating or storing on any land for any purpose any disused railroad car, street car body, truck body, bus body, or truck trailer without wheels, whether or not the same is situated on a foundation</li> </ul>	<ul style="list-style-type: none"> <li>Abattoir</li> <li>The keeping or raising of any bull, ox, cow, sheep, goat, pig, poultry, horse, reptile or any wild animal including any tamed or domesticated wild animal on any lot or in any building or structure in any Residential Zone, or any lot in the Agricultural Zone having a lot area less than 0.8 ha;</li> <li>Track for the racing of motor vehicles, motorcycles or motorized snow vehicles</li> <li>Radio/TV/telecommunication towers or antennae except as an accessory use to a permitted use</li> <li>Radio, television or cable television studio</li> <li>Locating or storing of used concrete and/or asphalt products on any land for any purpose including crushing and sorting, except as follows: <ul style="list-style-type: none"> <li>In an Extractive Industrial (EI) Zone; and/or</li> <li>As a temporary use associated with a public undertaking within the limits of the said undertaking or on land adjacent to said undertaking for the duration of such undertaking</li> </ul> </li> </ul>

Using the permitted and prohibited land uses together in conjunction with the zone regulations the structure of the Zoning By-law provides appropriate controls to assist in assuring land use compatibility.

#### 4.0 Conclusion

This Land Use Compatibility Assessment Addendum provides an overview of recommended mitigation measures, existing noise sources, and as-of-right permissions in the Town of Lincoln Zoning By-law No. 93-14-Z1 within proximity to the North East corner of Ontario Street and Greenlane in the Town of Lincoln.

Due to the classification of industries, distances between the subject lands and applicable industries, and implementation of mitigation measures, it is UrbanSolutions’ opinion that the proposed development is compatible with the surrounding area as there are no adverse impacts that will affect the proposed development.

Based on a review of the subject lands, surrounding uses, and applicable planning and policy framework, the proposed development is an appropriate form of development and represents good planning.

Respectfully submitted this 14<sup>th</sup> day of October, 2021.

Regards,

**UrbanSolutions Planning & Land Development Consultants Inc.**



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