

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-XX

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

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

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

1. THAT, Part 2 “Definitions” of Zoning By-law 2017-70 as amended, is hereby amended by adding the following definitions:

Berm means a mound of earth which may include landscaping features, formed to provide visual and/or acoustical separation.

Bonafide Farm Operation means an individual who:

- a) Owns, is employed on, and manages a farm operation;
- b) Earns a majority of his/her income from farming (the scale of the farm operation should be capable of generating a reasonable operating profit under normal economic conditions);
- c) Spends a majority of his/her working time on the farm and is available to work on the farm when required by the farm operation;
- d) Demonstrates a continuing commitment to the farm operation, such as through farm maintenance practices, and investment in equipment, buildings and crops; and
- e) A farm operation that provides full time employment for one or more persons.

Buffer Area means a strip of land, which is restricted to ecological enhancement, and restoration of the natural environment.

Warehousing means a process of storing goods in a warehouse for the purpose of distribution, sale, or manufacturing.

2. THAT, Part 3 “General Provisions” and Section 3.1, Accessory Buildings or Structures and Accessory Uses, Table 1-1 of Zoning By-law 2017-70 as amended, is hereby amended and modified the following regulations:

Regulation		Accessory Buildings or Structures in an Agricultural Zone		
		Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 120m ²)	Type 3 (greater than 120m ²)
Maximum ground floor area per building or structure		10m ²	120m ²	Based on maximum lot coverage (see below)
Maximum number of accessory buildings or structures per lot	Accessory buildings	3	2	Based on maximum lot coverage (see below)
	Accessory Structures	Based on maximum lot coverage (see below)		
Permitted yards		All Yards except the required front yard or required exterior side yard, except that a Type 1 accessory building or structure used for the retail sale of farm produce shall be permitted in the required front yard and required exterior side yard		All Yards

Regulation		Accessory Buildings or Structures in an Agricultural Zone		
		Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 120m ²)	Type 3 (greater than 120m ²)
Minimum setback to <i>front lot line</i>		No closer to the <i>front lot line</i> than the <i>main building</i> , and in accordance with the minimum <i>yard requirements</i> of the applicable <i>zone</i> , except that a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 6 metres to the <i>front lot line</i>		30 metres
Minimum setback to <i>exterior side lot line</i>		No closer to the <i>exterior side lot line</i> than the <i>main building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i> , and a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 6 metres to the <i>exterior side lot line</i>		
Minimum setback to <i>interior side lot line</i>		1.2 metres	2 metres	7.5 metres
Minimum setback to <i>rear lot line</i>				
Maximum <i>height</i>		3 metres	5.5 metres	10 metres
Maximum <i>lot coverage</i> of all <i>accessory buildings or structures</i> on the <i>lot</i>	<i>Lot area</i> 0.4 ha or less	200m ² or 8% of the <i>lot area</i> , whichever is less, provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>		Not permitted on this <i>lot size</i>
	<i>Lot area</i> 0.5 ha to 2 ha	Greater of 5% or 320m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> 2.1 ha to 10 ha	Greater of 2.5% or 1,000m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>		
	<i>Lot area</i> greater than 10 ha	Greater of 1% or 2,500m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>		
Minimum setback from <i>main building</i> ⁽¹⁾		1.5 metres	3 metres	
Maximum distance from a <i>main building</i>		The nearest point of a wall of the <i>accessory building</i> must be located within 50 metres of the <i>main building</i> (Bylaw 2018-61)		

(1) No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a main building.

3. THAT, Part 3 “General Provisions” and Section 3.2.1 Accessory Dwellings Units of Zoning By-law 2017-70 as amended, is hereby deleted and replaced by the following regulations:

3.2.1 Accessory Dwelling Units

The following regulations apply to *accessory dwelling units*:

- a) *Accessory dwelling units* shall be located within:
- i. Within the principle dwelling or one detached *accessory dwelling unit* where on full municipal services and water services; or
 - ii. Within a *main building* containing an *existing principal use*, or within a residential *accessory building* on a lot where both the *principal use* and an *accessory dwelling unit* are permitted by the applicable *zone*. **For accessory dwelling units within a Settlement Area, the accessory dwelling unit may be located on the ground floor. For all other accessory dwelling units, these units shall be located above the ground floor and remain a secondary use to the accessory building.** An area of no greater than 10 square metres

on the ground floor is permitted to be used for entrance purposes to the above ground floor accessory dwelling unit.

- b) A maximum of two (2) *accessory dwelling units* are permitted on a *lot*, except where permitted otherwise by the applicable *zone*.
- c) *Accessory dwelling units* shall comply with the regulations of the applicable *zone*.
- d) A *main building* that is used for an *accessory dwelling unit* shall comply with the regulations of the applicable *zone*.
- e) On a *lot* that is not serviced by municipal sewage services and/or municipal water services, *accessory dwelling units* shall not be permitted unless the *lot* has a minimum *lot area* of 0.4 hectare and the private sewage services and/or private water services are approved for the *lot* with adequate capacity for the *accessory dwelling units* and any other *uses* on the *lot*. *Accessory dwelling units* may only be permitted to have separate septic systems in extenuating circumstances.
- f) Notwithstanding Section 3.12, parking for *accessory dwelling units* shall not be required to provide more than one additional space per *accessory dwelling unit*.
- g) **Where permitted in a Residential Zone or as an accessory use to a dwelling that is permitted as a principle use in any other zone, accessory dwelling units shall be permitted in accordance with the following additional regulations:**
 - i. **Maximum of two (2) accessory dwelling units within an urban Residential Zone;**
 - ii. **Maximum of one (1) accessory dwelling unit in all other zones, notwithstanding Section 3.2.1 (h);**
 - iii. An *accessory dwelling unit* shall be located within a *single detached dwelling*, *semi-detached dwelling*, **townhouse dwelling** or an *accessory building* on the same *lot*;
 - iv. An *accessory dwelling unit* shall have a minimum floor area of 40 square metres and a maximum floor area of the lesser of 100 square metres or 40% of the floor area of the *main building*. For the purposes of this Subsection, the floor area shall include all area within a basement but shall not include a *private garage* or *attic*.
 - v. An *accessory building* that is used for an *accessory dwelling unit* shall comply with the requirements of Section 3.1, except that the maximum *height* of an *accessory building* that contains an *accessory dwelling unit* above the first *storey* shall be 8 metres;
 - vi. The residential appearance and character of the *dwelling* as a *single detached dwelling*, *semi-detached dwelling*, **townhouse dwelling** shall be maintained, and any separate entrance and exit for the *accessory dwelling unit* shall be oriented toward the *exterior side lot line*, *interior side lot line*, or *rear lot line*, and not located on the front façade of the *dwelling*.
 - vii. An *accessory dwelling unit* shall not be permitted on a *lot* that is used for a *bed and breakfast establishment*, *boarding or rooming house*, *garden suite* or *group home*.
 - viii. A *home occupation* shall not be permitted within the *accessory dwelling unit*.
 - ix. For the purposes of satisfying the required parking for an *accessory dwelling unit*, tandem parking shall be permitted within a permitted *parking area* or *driveway*, including a *driveway* in a required *front yard* that has a minimum depth of 6 metres.

- x. Access to the required parking for the *accessory dwelling unit* shall be provided from the same driveway that provides access to the primary dwelling unit on the lot.
- h) Where permitted in a Commercial Zone, an *accessory dwelling unit* is only permitted within the same *building* as a permitted *art gallery, commercial school, dry cleaning/laundry depot, financial institution, office* including a *medical office, personal service shop, private club, restaurant, retail store, service shop* or *studio*, and shall be located above the first *storey* of the commercial *building*.

4. THAT, Part 3 “General Provisions” and Section 3.2.2 Accessory Farm Dwellings of Zoning By-law 2017-70 as amended, is hereby amended and modify the following regulation:

The following regulations apply to *accessory farm dwellings*:

- a) An *accessory farm dwelling* shall be located on a *lot* having a minimum *lot area* of 10 hectares and containing a permitted *agricultural use* **and a bonafide farm operation** and an associated *single detached dwelling*, where permitted by the applicable *zone*.

5. THAT, Part 3 “General Provisions” and Section 3.2.4 Garden Suites of Zoning By-law 2017-70 as amended, is hereby amended and adding the following clause to the regulations:

The following regulations apply to *garden suites*:

- f) **The garden suite shall be a four season or all season type of unit including mobile home on a secured foundation that is subject to the Ontario Building Code, Building Code Act, and approved by the Chief Building Official.**

6. THAT, Part 3 “General Provisions” and Section 3.12.6 Off-Street Motor Vehicle Parking Facility Requirements and Table 6 Required Parking Facilities of Zoning By-law 2017-70 as amended, is hereby amended and modify the following regulations:

The following regulations apply to *motor vehicle* parking facilities:

- a) *Parking spaces* for *motor vehicles* shall be provided and maintained for the identified uses of *lots, buildings* and *structures* in accordance with Table 6.

Table 6: Required Parking Facilities

<i>Use</i>	Minimum Number of <i>Parking Spaces</i> to be Provided
<i>Industrial uses and processing facilities</i>	
<i>Warehouse/Warehousing</i>	<i>1 parking space per 180 m² of gross floor area</i>

- d) *Parking spaces* shall have minimum dimensions of 2.7 metres in width by 6 metres in length, except:

- vii. Private residential garages for *single detached, semi-detached dwelling units* must be a minimum width of 3.5 metres and for *townhouse dwelling units* must be a minimum width of **3.25 metres** wide by 6 metres long (measured from interior walls) unobstructed in order to be counted as a required parking space.

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

The following regulations apply to private garages:

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

8. THAT, Part 3 “General Provisions” and Section 3.18 Setbacks to Pipelines, specifically Section 3.18.2 Enbridge Pipelines, of Zoning By-law 2017-70 as amended, is hereby deleted and replaced by:

3:18.2 Oil and Gas Pipeline

- a) Notwithstanding any other provisions of this By-Law to the contrary, no building or structure used for a dwelling or associated with a dwelling shall be located closer than 3 metres from the limit of the right of way for an **oil and gas pipeline easement.**

9. THAT, Part 5 “Agricultural Zones” and Section 5.3 Regulations and Table 12 Regulations of Permitted Uses in Agricultural Zones of Zoning By-law 2017-70 as amended, is hereby amended and adding to the following regulations:

Table 12: Regulations for Permitted Uses in Agricultural Zones

Regulation		Zone Requirements		
		A	APO	AR
Maximum lot coverage	Greenhouses	70%		40%
	Dwelling⁽⁴⁾	10%		
	Other buildings or structures ⁽⁴⁾	10%		

⁽⁴⁾On lots 0.4 hectares in size or less, a maximum lot coverage of 20%.

10. THAT, Part 6 “Residential Zones” and Section 6.3 Regulations and Table 15 Regulations for Permitted Uses in the Medium and High Density Residential Zones of Zoning By-law 2017-70 as amended, is hereby amended and modify the following regulations:

In the zones identified in Section 6.1, no person shall use or permit the use of any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations in Tables 14 and 15.

Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones (By-law 2023-79)

Regulation		Zone Requirements				
		RM1	RM2	RM3	RM4	RH
Minimum lot area (per principle dwelling unit)	Apartment dwelling	-		160m ²		50m ²
	Duplex dwelling	-	250m ²			-
	Fourplex dwelling	-	220m ²	180m ²	-	-
	Retirement home	-				120m ²
	Semi-detached dwelling ⁽¹⁾	270m ²	200 m ²		-	-
	Stacked townhouse dwelling	-	-	160m ²	50m ²	-
	Back to back townhouse dwelling ⁽⁷⁾	-	-	-	75m ²	-
	Street townhouse dwelling	225m ²	180m ²			-
	Townhouse dwelling	-	180m ²	180m ²		-
	Triplex dwelling	-	220m ²	180m ²		-

Regulation		Zone Requirements				
		RM1	RM2	RM3	RM4	RH
Minimum lot frontage ⁽²⁾	Apartment dwelling	-		30m		
	Duplex dwelling	-	15m		-	
	Fourplex dwelling	-	25m			-
	Retirement home	-				30m
	Semi-detached dwelling ⁽¹⁾	9m/unit	8m/unit			-
	Stacked townhouse dwelling	-	-	30m	30m	-
	Back to back townhouse dwelling	-	-	5.5m/unit	5.5m/unit	
	Street townhouse dwelling	7.5m/unit	6m/unit			-
	Townhouse dwelling	-	30m			-
	Triplex dwelling	-	20m	18m		-
Minimum front yard	Dwelling	4.5m				7.5m
	Private garage	6m				
Minimum exterior side yard		3m			Greater of 50% of building height or 3m	
Minimum interior side yard	Adjoining a lot in a low density residential zone	3m ⁽³⁾				
	Adjoining a lot in any other zone	1.2m ⁽³⁾				
Minimum rear yard ⁽⁴⁾	Adjoining a lot in a low density residential zone	7.5m		7.5m	Greater of 50% of building height or 7.5m	
	Adjoining a lot in any other zone	6m		6m	6m	
Maximum lot coverage ⁽⁸⁾		45%	50%			
Minimum separation distance between dwellings on the same lot	Between exterior side walls		3m			
	Between exterior front or rear walls	-	12m			
	Between exterior front or rear walls and side walls		7.5m			
Maximum height ⁽⁹⁾		10m	12m	15m	21.5m	
Minimum landscaped open space		25%				
Minimum amenity area ⁽⁵⁾⁽⁶⁾	Dwelling with 3 or 4 dwelling units on one lot		20m ² per dwelling unit			
	Dwelling with 5 to 8 dwelling units on one lot	-	40m ² plus per dwelling unit			
	Dwelling with 9 or more dwelling units on one lot		40m ² per dwelling unit		80m ² per dwelling unit	

⁽¹⁾Where semi-detached dwellings are located in the RM2 or RM3 zone, the dwelling units shall be located on lands within a Registered Plan of Condominium or shall be tied to a common elements condominium private street.

⁽²⁾ Where multiple attached dwellings are located on the same lot in the RM2 or RM3 Zone, including more than one type of attached dwelling, the minimum lot frontage requirement of the RM2 or RM3 zone, as applicable, shall be 30 metres in the case of a lot that contains one or more fourplex and/or townhouse dwelling and/or stacked townhouse dwelling, 45 metres in the case of back-to-back townhouse dwelling, and 20 metres in all other cases, and shall apply to the entire lot. For semi-detached dwellings where each unit is located on a separate lot, and for street townhouse dwellings, each lot shall meet the prescribed minimum lot frontage.

⁽³⁾Where each dwelling unit of a semi-detached dwelling is located on a separate lot, and for street townhouse dwellings, no interior side yard shall be required along the common lot line of the attached wall joining two dwelling units.

⁽⁴⁾ Where each dwelling unit of a Back to Back townhouse dwelling is located on a separate lot and not part of a condominium; no rear yard and interior side yard shall be required along the common lot line of the attached wall joining two dwelling units.

⁽⁵⁾ No common outdoor amenity area provided at grade shall have an area less than 60m². Refer to urban Design Guidelines for any limit to the massing of 4th floor to 75-80% of the third floor to allow for building articulation, step-back, and sunlight.

⁽⁶⁾ Each unit in a back to back townhouse development shall contain an individual balcony with an area of 5.5 m², separated from adjoining units by a wall or privacy screen and with a maximum projection of 1.8m from the front wall of the back to back townhouse building.

⁽⁷⁾ For back to back units, minimum lot area per unit shall not be less than 50m² per unit.

⁽⁸⁾ For back to back units, there is no maximum lot coverage.

⁽⁹⁾ For back to back townhouse units, stacked townhouse units, and apartment units with ground level parking, ground level storey parking height shall not be included as part of the total building height, to a maximum of 3 metres.

11. THAT, all other provisions of Zoning By-law 2017-70 as amended continue to apply.
12. THAT, the Clerk of the Township of West Lincoln is hereby authorized to effect any minor modifications or corrections to the By-law of a descriptive, numerical or grammatical nature as may be deemed necessary after passage of this By-law.
13. THAT, this By-law shall become effective from and after the date of passing thereof.

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

MAYOR CHERYL GANANN

**JUSTIN PAYLOVE
ACTING DIRECTOR OF LEGISLATIVE SERVICES/CLERK**

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

The Township's Comprehensive Zoning By-law 2017-70 was passed by the Council of the Corporation of the Township of West Lincoln on June 26, 2017. This By-law amends Zoning By-law 2017-70, as amended, to address issues that have become apparent during implementation.

A Public Meeting was held on _____ and _____ members of the public provided oral comments. _____ written comments were additionally received. All comments received were evaluated by Staff and Council through their decision.

File: 1601-005-24
Township of West Lincoln

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