

DATE: September 13, 2021

REPORT NO: PD-94-2021

SUBJECT: **Technical Report**
Comprehensive Zoning Bylaw 2017-70, as amended
Housekeeping Amendments No. 5 Introduction of New
Housing Types

CONTACT: Gerrit Boerema, Planner II
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OVERVIEW:

- In June of 2017 the Council of the Township of West Lincoln approved the new Comprehensive Zoning Bylaw 2017-70.
- In the following years (2018, 2019, 2020 and most recently 2021) the zoning bylaw has been updated through minor housekeeping amendments to keep the bylaw functioning as intended and to correct a number of site specific issues.
- Township Planning staff have identified another area of the zoning bylaw that needs addressing specifically regarding residential housing types.
- Two of the last three draft plans of subdivision applications that have been received contain a dwelling unit known as a back-to-back townhouses which are essentially two rows of Townhouses against each other with no rear yard.
- Instead of reviewing and approving back-to-back zoning regulations for each development application, Township staff believe it is appropriate to put in place standard regulations in the Zoning Bylaw, now, for all to follow and thereby set the standard and not react each time based on the developer's preferences.
- Planning Staff have started the public consultation process and have drafted proposed regulations for these new types of units.
- Planning Staff recommend that a recommendation report be prepared and presented following the receipt of any public and agency comments.

RECOMMENDATION:

1. That, Report PD-94-2021, regarding "Technical Report, Housekeeping Amendments No. 5 to Zoning Bylaw 2017-70, as Amended – Introduction of New Housing Types", dated September 13, 2021 be received; and,
2. That, following the public meeting and submission of any public and agency comments, Township Staff prepare and present a recommendation report at a future Planning Building and Environment Committee Meeting.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3 & #6

- Strategic Responsible Growth
- Efficient, Fiscally Responsible Operations

BACKGROUND:

Township Council in June of 2017 approved the new Comprehensive Zoning Bylaw 2017-70. This was the first time a new comprehensive zoning bylaw was passed since the Township passed its first Zoning bylaw in 1979.

Several minor issues have been identified since the bylaw was passed, concerning both Township wide regulations and site specific zonings. Many of these issues have been addressed through four previous housekeeping amendments which took place in 2018, 2019, 2020 and most recently in 2021.

A new issue that Township Staff wish to address is a series of new housing types that are emerging in proposed developments in West Lincoln. These housing types more commonly found in the GTA are back-to-back, stacked, and stacked back-to-back townhouses.

CURRENT SITUATION:

The housing type referred to as a back-to-back townhouse dwelling is essentially two rows of townhouses placed back to back as to share a common rear wall in addition to common side wall(s). Depending on the size of the unit, it can meet the Township's medium density or high density unit target.

Below is an example of what a back-to-back unit can look like (the dwellings in the centre of the photo).



The Township Comprehensive Zoning Bylaw 2017-70, as amended, has back to back townhouses defined, but does not currently permit them in any zone or have any additional regulations. The zoning definition is below:

Dwelling, Back to Back Townhouse

Means a dwelling divided by common walls, including a common rear wall, into four (4) or more attached dwelling units, to a maximum of eight (8) dwelling units, each having a separate entrance from the exterior of the dwelling.

Back-to-back Townhouse dwellings need special zoning consideration as they do not have rear yards as typical townhouses do. This results in reduced minimum lot sizes and amenity areas per dwelling unit/lot.

Also being considered are stacked back to back townhouses. Stacked Townhouses are defined in the Township's zoning bylaw, but not stacked back to back. Additionally, stacked back to back are not permitted in any zone. The bylaw definition for stacked townhouse dwellings is below:

Dwelling, Stacked Townhouse

means a dwelling containing four (4), six (6) or eight (8) attached dwelling units and wherein pairs of dwelling units are stacked and divided vertically and each pair of dwelling units is divided horizontally from the next attached pair, and each dwelling unit has an independent entrance from the exterior of the dwelling to the interior of the dwelling unit.

Stacked back to back townhouses differ as they also share a common rear wall, in addition to common side walls and have units stacked on-top of one another, yet still all have separate entrances to the street.

These unit types typically result in medium to high density development as more units can be developed within less area than traditional street townhouses. Therefore, considerations must be given to the proximity of parkland for amenity space for the units and vehicle parking.

Through the review of other municipalities, Township staff have drafted the following for possible regulations for back-to-back and stacked back-to-back units. The highlighted and bolded text identifies new regulations. Staff are still reviewing the comments submitted from both Marz and P Budd Developments and therefore further changes could be made before a final recommendation is presented to Township Committee and Council.

PART 6 RESIDENTIAL ZONES

A. APPLICABLE ZONES

The permitted *uses* and regulations of Part 6 apply to land within the following *zones*:

Zone												Symbol
Rural Residential												RuR
Residential Low Density	– Type 1A	R1A										
	– Type 1B	R1B										
	– Type 1C	R1C										
	– Type 1D	R1D										
	– Type 2					R2						
	– Type 3					R3						
Residential Medium Density	– Type 1									RM1		
	– Type 2									RM2		
	– Type 3									RM3		
	– Type 4									RM4		
Residential High Density												RH

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

PERMITTED USES

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 permitted *uses* in Table 13.

Table 13: Permitted Uses in Residential Zones

Uses	Zones where Permitted											
Principal Uses												
Apartment dwelling										RM3	RM4	RH
Duplex dwelling										RM2		
Fourplex dwelling										RM2	RM3	
Retirement home												RH
Semi-detached dwelling						R2	R3	RM1	RM2	RM3		
Single detached dwelling	RuR	R1A	R1B	R1C	R1D	R2	R3					
Stacked townhouse dwelling										RM3	RM4	
Street townhouse dwelling									RM1	RM2	RM3	
Back to Back townhouse dwelling											RM4	
Townhouse dwelling										RM2	RM3	
Triplex dwelling										RM2	RM3	
Accessory Uses ⁽¹⁾												
Accessory buildings or structures and accessory uses (see s. 3.1)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾	RM1 ⁽¹⁾	RM2 ⁽¹⁾	RM3 ⁽¹⁾	RM4 ⁽¹⁾	RH ⁽¹⁾
Accessory dwelling unit (see s. 3.2)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾					

Uses		Zones where Permitted										
<i>Bed and breakfast establishment</i> (see s. 3.4)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾							
<i>Boarding or rooming house</i>	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾					RM3 ⁽¹⁾		
<i>Garden suite</i> (see s. 3.2)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾							
<i>Group home</i> (see s. 3.6)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾					
<i>Home occupation</i> (see s. 3.7)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾					
<i>Renewable energy system</i> (see s. 3.15)	RuR ⁽¹⁾	R1A ⁽¹⁾	R1B ⁽¹⁾	R1C ⁽¹⁾	R1D ⁽¹⁾	R2 ⁽¹⁾	R3 ⁽¹⁾	RM1 ⁽¹⁾	RM2 ⁽¹⁾	RM3 ⁽¹⁾		RH ⁽¹⁾

⁽¹⁾ Denotes *uses* that are only permitted accessory to or in conjunction with a permitted *principal use*.

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

Regulation					Zone Requirements	
		RM1	RM2	RM3	RM4	RH
Minimum lot area (per dwelling unit)	Apartment dwelling	-		160m ²		120m ²
	Duplex dwelling	-	250m ²		-	
	Fourplex dwelling	-		180m ²	-	-
	Retirement home	-				120m ²
	Semi-detached dwelling ⁽¹⁾	270m ²	200 m ²		-	-
	Stacked townhouse dwelling	-	-	160m ²		-
	Back to back townhouse dwelling	-	-	-	110m ²	
	Street townhouse dwelling	225m ²	180m ²			
	Townhouse dwelling	-	200m ²	180m ²		-
	Triplex dwelling	-	250m ²	200m ²		-
Minimum lot frontage ⁽²⁾	Apartment dwelling	-			30m	
	Duplex dwelling	-	20m		-	
	Fourplex dwelling	-	30m			-
	Retirement home	-				30m
	Semi-detached dwelling ⁽¹⁾	9m/unit	8m/unit			-
	Stacked townhouse dwelling	-	-	30m		-
	Back to back townhouse dwelling	-	-	-	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
Minimum interior side yard	Adjoining a lot in a low density residential zone	3m ⁽³⁾				50% of building height or 3m
	Adjoining a lot in any other zone	1.2m ⁽³⁾				3m
Minimum rear yard	Adjoining a lot in a low	7.5m			-	7.5m

Regulation					Zone Requirements	
		RM1	RM2	RM3	RM4	RH
(4)	density residential <i>zone</i>					
	Adjoining a <i>lot</i> in any other <i>zone</i>	6m			-	6m
Maximum <i>lot coverage</i>		45%	50%		70%	50%
Minimum separation distance between <i>dwellings</i> on the <i>same lot</i>	Between exterior side walls	-	3m			
	Between exterior front or rear walls		12m			
	Between exterior front or rear walls and side walls		7.5m			
Maximum <i>height</i>		10m	12m			15m
Minimum <i>landscaped open space</i>					25%	
Minimum <i>amenity area</i> ⁽⁵⁾⁽⁶⁾	<i>Dwelling</i> with 3 or 4 <i>dwelling units</i> on one <i>lot</i>	-	20m ² per <i>dwelling unit</i>			
	<i>Dwelling</i> with 5 to 8 <i>dwelling units</i> on one <i>lot</i>		40m ² plus 10m ² per <i>dwelling unit</i>			
	<i>Dwelling</i> with 9 or more <i>dwelling units</i> on one <i>lot</i>		-	40m ² plus 15m ² per <i>dwelling unit</i>	80m ² plus 5.5m ² per <i>dwelling unit</i>	

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

(4) No rear yard is required for a *back-to-back townhouse dwelling*.

(5) No common outdoor *amenity area* provided at grade shall have an area less than **60m²**.

(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.

These draft proposed changes take into consideration amenity area as well as outdoor privacy areas which include the requirement for a balcony. This requirement was also found in other municipal zoning bylaws to provide each unit with some private amenity area.

Also needing to be addressed is the maximum of eight dwelling units to be defined as a back-to-back townhouse. This would result in a block of townhouses that are 4 units wide, resulting in half of the units having exterior walls and windows and half without. For the Marz Homes 'Thrive' development, the back to back units proposed had 14 units together, 7 units wide, which significantly reduces the number of exterior side walls.

Dwelling, Back to Back Townhouse

*Means a dwelling divided by common walls, including a common rear wall, into four (4) or more attached dwelling units, to a maximum of eight (8) dwelling units, each having a separate entrance from the exterior of the dwelling. **Also includes Stacked, Back to Back Townhouses.***

Township staff are still reviewing other municipal zoning bylaws and still working through comments received from both the Marz Homes and Peter Budd developments to see what the appropriate maximum number of units should be for back to back townhouse dwellings as well as other provisions.

Stacked, back to back townhouses are also under review by Township Staff. They are units that share a rear wall as well as a sidewall and have units stacked vertically. This can include three units located on top of each other, two-level units stacked on top of one-level units, or two level units stacked on top of two-level units. Other layout solutions may be possible but each unit has its own entrance to grade.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report or the proposed changes to the Zoning Bylaw.

INTER-DEPARTMENTAL & PUBLIC COMMENTS:

The proposed changes to the zoning bylaw have been circulated to agencies as well as internal departments. At the time of writing this report the Township has received comments from the planning consultants for the P Budd Development and the Marz Thrive development, which both have proposed back-to-back units. These comments are still being reviewed and compared against the preliminary draft regulations.

CONCLUSION:

Staff recommends that following any comments received as part of the public consultation process from the public and agencies, a recommendation report be prepared and presented to a future Committee meeting to address the new housing types including back to back, stacked and stacked back to back townhouse dwelling units.

Attachments:

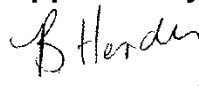
1. Agency and Public Comments

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