

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2023-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 Bylaw 2017-70 as amended, is hereby amended by deleting the Definition of Salvage Yard and replacing with the following:

Salvage Yard – means a salvage and recycling use in which junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house-wrecking yards, and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment. A “salvage yard” **may include an outdoor storage use** but shall not be construed to include such activity when conducted entirely within an enclosed building. Pawnshops and establishments for the sale, purchase, or storage of used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations, are also not a salvage yard.

2. THAT, Part 2 “Definitions” of Zoning Bylaw 2017-70 as amended, is hereby amended by adding a new definition of Truck Transport Terminal, as follows:

Truck Transport Terminal – Means the use of land, buildings or structures or portion thereof where commercial vehicles, primary transport trucks, are kept for hire, rental or lease, or stored or parked for remuneration, or from which commercial vehicles or transport trucks are dispatched for hire as common carriers.

3. THAT, Part 8 “Employment Zones” of Zoning Bylaw 2017-70 as amended, is hereby amended by adding Industrial Use as a permitted use in the M1 zone and by adding Truck Transport Terminal as a permitted use in M1 and M2 Zones.

Table 18: Permitted Uses in Employment Zones (By-law No. 2022-67)

| Uses | Zones where Permitted | | |
|------------------------------------|-----------------------|----|----|
| Principal Uses | | | |
| Animal shelter | M1 | | |
| Commercial kennel | M1 | | |
| Commercial school | M1 | | |
| Communications establishment | | M2 | |
| Contractors establishment | | M2 | |
| Dry cleaning/laundry establishment | M1 | | |
| Industrial use | M1 | M2 | |
| Mineral aggregate operation | | | M3 |
| Motor vehicle body shop | | M2 | |

| Uses | Zones where Permitted | | |
|---|-----------------------|-------------------|-------------------|
| Office, including a medical office | M1 | | |
| Pet care establishment | M1 | | |
| Recreation facility | M1 | | |
| Service shop | | M2 | |
| Studio | M1 | | |
| Truck Transport Terminal | M1 | M2 | |
| Veterinary clinic | M1 | | |
| Wayside pit or quarry (see s. 3.27) | M1 | M2 | M3 |
| Accessory Uses ⁽¹⁾ | | | |
| Accessory buildings or structures and accessory uses (see s. 3.1) | M1 ⁽¹⁾ | M2 ⁽¹⁾ | M3 ⁽¹⁾ |
| Office | | M2 ⁽¹⁾ | |
| Outside storage | M1 ⁽¹⁾ | M2 ⁽¹⁾ | M3 ⁽¹⁾ |
| Renewable energy system (see s. 3.15) | M1 ⁽¹⁾ | M2 ⁽¹⁾ | M3 ⁽¹⁾ |
| Retail store | M1 ⁽¹⁾ | M2 ⁽¹⁾ | M3 ⁽¹⁾ |

4. THAT Part 3 “General Provisions” of Zoning Bylaw 2017-70 as amended, is hereby amended by deleting *Article 3.2.1 – Accessory Dwelling Units* and replacing with the following:

3.2.1 Accessory Dwelling Units

The following regulations apply to *accessory dwelling units*:

- a) *Accessory dwelling units* shall be located 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 above the ground floor and remain a secondary use to the *accessory building*. (Bylaw 2018-61) 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. (Bylaw 2020-97)
- b) A maximum of **two (2)** *accessory dwelling unit* is 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 shall not be may only be permitted to have separate septic systems in extenuating circumstances.** (By-law 2021-70).
- f) **Notwithstanding Section 3.12,** Parking for *accessory dwelling units* shall be provided in accordance with Section 3.12 **not be required to provide more than one space per accessory unit.**
- g) Where permitted in a ~~Residential Zone~~, or as an *accessory use* to a *dwelling* that is permitted as a *principal use* in any other **non-**

residential zone, an one accessory dwelling unit shall be permitted in accordance with the following additional regulations:

- i. An accessory dwelling unit shall be located within a single detached dwelling, semi-detached dwelling or an accessory building on the same lot as a single detached dwelling or semi-detached dwelling;
 - ii. 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. (Bylaw 2018-61)
 - iii. 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;
 - iv. The residential appearance and character of the dwelling as a single detached dwelling or semi-detached 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. (By-law 2019-63)
 - v. 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.
 - vi. A home occupation shall not be permitted within the accessory dwelling unit.
 - vii. 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 6m.
 - viii. 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. (Bylaw 2018-61)
- 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.

5. THAT, Table 15 within Part 6 – Residential Zones, Subsection 6.3 - Regulations of Zoning Bylaw 2017-70 as amended, is hereby amended by deleting **Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones** and replacing with the following **Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones**:

Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones
(Bylaw 2021-94)

| Regulation | | | | | Zone Requirements | |
|---|---------------------------------------|-------------------|--------------------|-------------------|-------------------|-------------------|
| | | RM1 | RM2 | RM3 | RM4 | RH |
| Minimum lot area (per dwelling unit) | Apartment dwelling | - | | 160m ² | | 100m 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 | | - |

| Regulation | | | | | Zone Requirements | |
|---|---|---------------------|--|-------------------|--|--|
| | | RM1 | RM2 | RM3 | RM4 | RH |
| | 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 | | - |
| | | | | | | |
| 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 | | - |
| | Back to back townhouse dwelling | - | - | - | 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 | 7.5m |
| | Adjoining a lot in any other zone | 6m | | | 6m | 6m |
| Maximum lot coverage | | 40% | 40% | | 40% | 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 | | 10m | 10m | 12m | 15m | |
| Minimum landscaped open space | | 25% | | | 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 10m ² per dwelling unit | | | |
| | Dwelling with 9 or more dwelling units on one lot | | 40m ² plus 5m ² per dwelling unit | | 40m ² plus 10m ² per dwelling unit | 80m ² plus 10m 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⁾ ~~No rear yard is required for a back to back townhouse dwelling.~~ 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. Limit the mass 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 stacked back to back units, minimum lot area per unit shall not be less than 50m² per unit.

6. THAT, all other provisions of By-law 2017-70 continue to apply.
7. 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.
8. 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, 2023.**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2023-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 its first few years of implementation.

A Public Meeting was held on XX and XX member of the public provided oral comments. XX written comments was additionally received from property owners. No other public comments were received. All comments received were evaluated by staff and Council through their decision.

File: 1601-XXX-XX

Township of West Lincoln

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