

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 08-20-Z368

A BY-LAW TO AMEND ZONING BY-LAW NO. 93-14-Z1, AS  
AMENDED, OF THE TOWN OF LINCOLN  
(ZONING BY-LAW UPDATE-SECTIONS 5 AND 6)

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

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

1. Subsection 5.1 is hereby amended by deleting the word ***“the”*** after the words are “shown on”, by adding the words ***“‘A’ and ‘A1’ to ‘A9’ inclusive”*** after the word “Schedules” in the second sentence of the first paragraph and by adding the words ***“or Zoning Schedules”*** at the end of the third sentence in the first paragraph.
2. Subsection 5.4 is hereby amended by deleting the word ***“said”*** after the words “of any of the” in the first paragraph.
3. Subsection 5.5 is hereby amended by deleting the words ***“the following Schedules which form part of this By-law and are attached hereto”*** and replacing them with the words ***“‘A’ and ‘A1’ to ‘A9’ inclusive”***.
4. Section 6 is hereby amended by deleting subsection 6.3 in its entirety, by renumbering subsection 6.2 to subsection 6.3 and by renumbering subsection 6.8.1 to subsection 6.2.
5. Subsection 6.2 as renumbered is hereby amended by deleting the title of subsection 6.2 and replacing it with the title ***“ACCESSORY APARTMENT DWELLING UNITS”*** and by amending the first paragraph in subsection 6.2 as renumbered by adding the words ***“within a newly constructed single detached dwelling or”*** after the words “may be constructed”.
6. Subsection 6.2(d) as renumbered is hereby amended by adding the words ***“an accessory apartment dwelling unit is constructed within a newly constructed single detached dwelling or”*** after the word “Where”.
7. Subsection 6.2 as renumbered is hereby amended by deleting clause (e) in its entirety and renumbering clauses (f) to (g) to clauses (e) to (f) respectively.
8. Subsection 6.2(f) as renumbered is hereby amended by adding the word ***“apartment”*** after the words ***“Where an accessory”*** and by renumbering the third sentence to clause (g).

9. Subsection 6.2(h) as renumbered is hereby amended by adding the word "**apartment**" after the words "An accessory".

10. Subsection 6.2(k) as renumbered is hereby amended by deleting the words "**Part 8 of**" after the words "pursuant to" and by deleting the words "**;, or any successor thereto,**" after the words "Building Code".

11. Subsection 6.2(l) as renumbered is hereby deleted in its entirety and replaced with the following subsection:

***"(l) Parking shall be provided in accordance with Section 7."***

12. Subsection 6.3 as renumbered is hereby amended by deleting the number "**6.39(i)**" in the first paragraph and replacing it with the number "**6.37(i)**".

13. Subsection 6.3(e) as renumbered is hereby amended by deleting the word "**Be**" and replacing it with the words "**Not be**".

14. Subsection 6.3 as renumbered is hereby amended by deleting clauses (f) to (g) and renumbering clauses (h) and (i) to clauses (f) and (g) respectively.

15. Subsections 6.3(g)(i), 6.3(g)(ii), 6.3(g)(iii), 6.3(g)(iv) and 6.3(g)(v) as renumbered are hereby amended by adding an additional column to the right entitled "**Maximum Height**".

16. Subsection 6.3 (g)(i) as renumbered is hereby amended by deleting the words "**1.2 metres**" and replacing them with the words "**1 metre**" in the row which states "Up to and including 60 square metres" and under the column "Interior Side Yard Setback", by deleting the words "**1.2 metres**" and replacing them with the words "**1 metre**" in the row which states "Up to and including 60 square metres" and under the column "Rear Yard Setback" and by adding the words "**6 metres**" in the row which states "Up to and including 60 square metres" and under the column "Maximum Height".

17. Subsection 6.3(g)(i) is hereby amended by adding the words "**6 metres**" in the row which states "Over 60 square metres and up to and including 130 square metres" and under the column "Maximum Height" and by adding the words "**6 metres**" in the row which states "Over 130 square metres" and under the column "Maximum Height".

18. Subsection 6.3(g)(ii) as renumbered is hereby amended by adding the words "**6 metres**" in the row which states "Residential Zones" and under the column "Maximum Height".

19. Subsection 6.3(g)(iii) as renumbered is hereby amended by adding the words "**6 metres**" in the row which states "Abutting a Residential Zone" and under the column "Maximum Height" and by adding the words "**6 metres**" in the row which states "Abutting any other Zone" and under the column "Maximum Height".

20. Subsection 6.3(g)(iv) as renumbered is hereby amended by adding the words "**6 metres**" in the row which states "Abutting a Residential Zone" and under the column "Maximum Height" and by adding the words "**6 metres**" in the row which states "Abutting any other Zone" and under the column "Maximum Height".
21. Subsection 6.3(g)(v) as renumbered is hereby amended by adding the words "**6 metres**" in the row which states "All other Zone Categories" and under the column "Maximum Height".
22. Subsection 6.4 is hereby amended by deleting the words "**the following**" and replacing them with the words "**it shall**" in the first paragraph.
23. Subsection 6.4(a) is hereby amended by deleting the words "**an existing**" and replacing them with the word "**a**".
24. Section 6.4 is hereby amended by deleting clause (c) in its entirety and renumbering clauses (d) to (i) to clauses (c) to (h) respectively.
25. Subsection 6.4(d) as renumbered is hereby amended by deleting the words "**as amended or any success or thereto**" and replacing them with the number "**2001**".
26. Subsection 6.4(f) as renumbered is hereby amended by adding the symbols "**ER, HR,**" after the words "in area in the".
27. Subsection 6.4(g) as renumbered is hereby amended by deleting the words "**Regional Health Services**" and replacing them with the words "**Regional Public Health**" and by deleting the words "**prior to the initial start up of the bed and breakfast establishment**" after the words "Building and Fire Departments".
28. Subsection 6.5(a) is hereby amended by adding the words "**to a**" after the words "prevent the strengthening or restoration", by adding the word "**of**" after the words "safe condition" and by deleting the words "**to contravene**" and replacing them with the words "**to contravene any of**".
29. Section 6.5(b) is hereby amended by deleting the words "**dwelling, other than an apartment dwelling,**" and by replacing them with the words "**building or structure**", by deleting the words "**for flooding**" and replacing them with the words "**within a floodplain**" and by adding the words "**, provided the said building or structure is replaced within five years of it being partially or completely destroyed**" at the end of the sentence.
30. Section 6.6 is hereby deleted in its entirety, subsection 6.7 is hereby renumbered to subsection 6.6, subsection 6.8 is hereby deleted in its entirety and subsection 6.8.2 is hereby renumbered to subsection 6.7.
31. Subsection 6.9 is hereby renumbered to subsection 6.8, subsection 6.8(a) as renumbered is hereby amended by deleting the words "**1.5 metres**" at the end of the first sentence and replacing them with the words "**2 metres**" and subsection 6.8(a) as

renumbered is hereby amended by deleting the words **"1.5 metres"** at the end of the second sentence and replacing them with the words **"2 metres"**.

32. Subsection 6.8(g)(i) and (ii) as renumbered are hereby deleted in their entirety and the first paragraph of subsection 6.8(g) as renumbered is hereby amended by deleting the word **"except:"** and replacing them with the words **" except that in the case of a lot in a Residential Zone, no structure, hedge or other obstruction that is more than 1 metre in height is permitted within 3 metres of the front lot line."**

33. Subsection 6.8(k) as renumbered is hereby amended by deleting the words **"satellite dish or"** before the words "solar panel".

34. Subsection 6.8(n) as renumbered is hereby amended by deleting the number **"6.35"** and replacing it with the number **"6.32"**.

35. Subsection 6.8 as renumbered is hereby amended by adding the following clause:

**"(o) An underground cellar for a winery may project into any required yard a distance of not more than 7.5 metres."**

36. Subsection 6.10 is hereby renumbered to subsection 6.9 and subsection 6.11 is hereby deleted in its entirety.

37. Subsection 6.12 is hereby renumbered to subsection 6.10 and the first paragraph of subsection 6.10 as renumbered is hereby amended by deleting the number **"6.9"** and replacing it with the number **"6.8"**.

38. Subsection 6.13 is hereby renumbered to subsection 6.11, subsection 6.11(b) is hereby amended by deleting the word **"and"** at the end of the clause and subsection 6.11(d) as renumbered is hereby deleted in its entirety.

39. Subsection 6.14 is hereby renumbered to subsection 6.12, the title of subsection 6.12 as renumbered is hereby amended by adding the words **"OR AUCTIONS"**, subsection 6.12 as renumbered is hereby amended by deleting the words **"may be held by any resident of a dwelling,"** and replacing them with the words **"or auction is a permitted use in any agricultural, residential, commercial or industrial zone"**, by deleting the words **"shall be"** and replacing them with the word **"are"** before the word "restricted", by deleting the word **"two"** and by replacing it with the word **"three"** before the word "occasions" and by deleting the word **"two"** and replacing it with the word **"three"** before the word "consecutive".

40. Subsection 6.15 is hereby renumbered to subsection 6.13.

41. Subsection 6.13 as renumbered is hereby amended by deleting clauses (b) and (d), renumbering clause (c) to (b) and clauses (e) and (f) to (c) and (d) respectively and by deleting the words **"in a single detached dwelling shall be 6"** and replacing them with the words **"shall be 8"**.

42. Subsection 6.16 is hereby renumbered to subsection 6.14, subsection 6.14(a) as renumbered is hereby amended by deleting the word "**Barn, silo,**" and replacing it with the word "**Silo**".

43. Subsection 6.14 as renumbered is hereby amended by renumbering clause (u) to (v) and by adding a new clause (u) as follows:

**"(u) Wind machine"**.

44. Subsection 6.17 is hereby renumbered to subsections 6.15.

45. Subsection 6.15 as renumbered is hereby amended by deleting the words "**may be permitted**" and replacing them with the words "**shall be conducted**".

46. Subsection 6.15(f) as renumbered is hereby deleted in its entirety and clauses (g) to (i) are hereby renumbered to clauses (f) to (h) respectively.

47. Subsection 6.18 is hereby renumbered to subsections 6.16.

48. Subsection 6.16(a) as renumbered is hereby amended by adding the words "**or a townhouse dwelling unit**" at the end of the sentence.

49. Subsection 6.16(j) as renumbered is hereby deleted in its entirety and clauses (k) to (l) are hereby renumbered to clauses (j) to (k) respectively.

50. Subsection 6.19 is hereby deleted in its entirety.

51. Subsection 6.20 is hereby renumbered to subsections 6.17.

52. Subsection 6.21 is hereby renumbered to subsection 6.18, and subsections 6.21.1 to 6.21.8 are hereby renumbered to subsections 6.18.1 to 6.18.8 respectively.

53. Subsection 6.18.2 as renumbered is hereby amended by deleting the number "**6.21.4**" and replacing it with the number "**6.18.4**", and by deleting the words "**an improved street**" and replacing them with the words "**a public street or road**".

54. Subsection 6.18.3 as renumbered is hereby amended by deleting the number "**6.21.4**" and replacing it with the number "**6.18.4**", by deleting the words "**Services**" after the word "**Public Health**" in the second sentence, and by adding the words "**in which case the lot area requirements of the Regional Public Health Department shall prevail**".

55. Subsection 6.18.4(a) as renumbered is hereby amended by deleting the words "**an improved street**" and replacing them with the words "**a public street or road**".

56. Subsection 6.18.5 as renumbered is hereby amended by deleting the words "**BUILDINGS OR STRUCTURES ON**" from the title of subsection 6.18.5 and replacing them with the words "**LOTS OF RECORD**", by deleting the "," after the words "addition to

such building” and by deleting the words “*Health Services*” and replacing them with the words “*Public Health*”.

57. Subsection 6.18.8 as renumbered is hereby amended by adding the words “*single detached*” after the words “not more than one” and by deleting the words “*converted dwelling and*” before the words “farm helphouse”.

58. Section 6 is hereby amended by adding a new subsection 6.19 as follows:

**“6.19            MINIMUM DISTANCE SEPARATION REQUIREMENTS**

**6.19.1        MINIMUM DISTANCE SEPARATION ONE (MDS 1)**

*No land shall be used and no building or structure, or part thereof shall be erected or used for the purpose of a residential, commercial, industrial, institutional or recreational use unless such residential, commercial, industrial, institutional or recreational use complies with the provisions of the Minimum Distance Separation Formula I.*

**6.19.2        MINIMUM DISTANCE SEPARATION TWO (MDS II)**

*No livestock facility shall locate or expand unless such location or expansion is in compliance with the Minimum Distance Separation Formula II.”*

59. Subsections 6.22 to 6.24 are hereby renumbered to subsections 6.20 to 6.22 respectively.

60. Subsection 6.22 as renumbered is hereby amended by adding the words “*except that where a portion of the said lot is zoned Environmental Conservation (EC), the said portion may be used in the calculation of the required lot frontage provision*”.

61. Section 6 is hereby by adding a new subsection 6.23 as follows:

**“6.23            NON-COMPLYING BUILDINGS AND STRUCTURES**

*A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:*

*(a) Does not further encroach into a required yard;*

*(b) Does not in any other way increase a situation of non-compliance; and*

*(c) Complies with all other applicable provisions of this By-law.”*

62. Subsections 6.25, 6.25.1, 6.25.2, 6.25.3 and 6.25.4 are hereby renumbered to subsections 6.24, 6.24.1, 6.24.2, 6.24.3 and 6.24.4 respectively.

63. Subsection 6.24.2 as renumbered is hereby amended by adding the word "**lawfully**" after the words "**structure which was**".

64. Subsection 6.24.3 as renumbered is hereby amended by adding the word "**lawfully**" after the words "structure which was".

65. Subsection 6.24.4 is as renumbered hereby amended by deleting the words "**The regulations of this**" and replacing them with the word "**This**" and by deleting the ",", before the words "for a purpose prohibited".

66. Subsection 6.26 is hereby renumbered to subsection 6.25.

67. Section 6 is hereby amended by adding a new subsection 6.26 as follows:

**"6.26        PRIVATE HOME DAYCARE**

***Where private home daycare is permitted, it shall be subject to the requirements of the zone in which it is located, and the following:***

***(a) Is permitted within any residential dwelling unit.***

***(b) Notwithstanding any other provisions of this By-law, no part of any required front yard shall be used for the purposes of an outdoor play space accessory to a private home daycare."***

68. Subsection 6.27 is hereby deleted in its entirety and replace with the following new subsection 6.27 as follows:

**"6.27        RAILWAY AND PIPELINE RIGHT-OF-WAY SETBACKS**

***Notwithstanding anything contained in this By-law:***

***(a) No residential building shall be located closer than 30 metres to a railway right-of-way; and***

***(c) No building or structure shall be located closer than 3 metres to any natural gas pipeline."***

69. Subsection 6.28(a) is hereby amended by adding a second sentence as follows: "***Municipal sanitary sewer and water services are required for development within any Urban Boundary as shown on Schedules 'A1', 'A2', 'A3', 'A4', 'A5', 'A6' and 'A7', and no use shall be permitted without being connected to such services in such area.***".

70. Subsection 6.28(b) is hereby amended by deleting the words "**Niagara Health Services**" and replacing them with the words "**Public Health**" in the first sentence and by deleting the second sentence in its entirety.

71. Subsection 6.29 is hereby amended by deleting the word **“units”** and replacing it with the word **“lots”** after the words “divided into separate”.
72. Subsections 6.30, 6.30.1 and 6.30.2 are hereby deleted in their entirety.
73. Subsection 6.31 is hereby renumbered to subsection 6.30 and the words **“and subsection 6.9(m)”** are hereby deleted from the end of the sentence.
74. Subsections 6.32 and 6.33 are hereby deleted in their entirety.
75. Subsection 6.34 is hereby renumbered to subsection 6.31 and last sentence of subsection 6.31(a) as renumbered is hereby deleted in its entirety.
76. Subsection 6.35 is hereby renumbered to subsection 6.32.
77. Subsection 6.32(a) as renumbered is hereby amended by deleting the word **“not”** and replacing them with the words **“no pool shall”**, by adding the word **“required”** after the words “located within the” and by adding the word **“shall”** before the words not be located within”.
78. Subsection 6.32(b) as renumbered is hereby amended by deleting the words **“An inground pool including”** and replacing them with the words **“A pool including an attached deck”**.
79. Subsection 6.32(c) as renumbered is hereby deleted in its entirety and clauses (d) to (g) are hereby renumbered to clauses (c) to (f) respectively.
80. Subsection 6.32(d) as renumbered is hereby amended by deleting the word **“Shall”** and replacing them with the words **“A pool shall”**.
81. Subsection 6.32(e) as renumbered is hereby amended by deleting the word **“Shall”** and replacing them with the words **“A pool shall”**.
82. Subsection 6.32(f) as renumbered is hereby amended by deleting the words **“site plan”** after the words “sanitary sewers,” and by deleting the words **“Health Services”** and replacing them with the words **“Public Health”**.
83. Section 6 is hereby amended by adding a new subsection 6.33 as follows:

**“6.33            TEMPORARY GARDEN SUITES**

***A Garden Suite is permitted, subject to the passage of a temporary use by-law. Such a by-law may permit a Garden Suite on a lot for a period not to exceed 10 years.”***

84. Subsection 6.36 is hereby renumbered to subsection 6.34 and the first paragraph of subsection 6.34 as renumbered is hereby amended by deleting the words **“months, during”** and replacing them with the words **“months. During”**.

85. Subsection 6.34(a) as renumbered is hereby amended by deleting the words ***“Niagara Health Services”*** and replacing them with the words ***“Regional Public Health”***.

86. Subsection 6.37 is hereby renumbered to subsections 6.35.

87. Subsection 6.35(c) as renumbered is hereby amended by deleting the words ***“a seasonal fruit”*** and replacing them with the words ***“an agricultural produce”***, subsection 6.35(c)(ii) as renumbered is hereby amended by deleting the number ***“3.8”*** and replacing it with the number ***“5”***, and subsection 6.35(c)(iv) as renumbered is hereby amended by deleting the number ***“6.2”*** and replacing it with the number ***“6.3”***.

88. Subsection 6.35(e) as renumbered is hereby amended deleting clauses (i) and (ii) in their entirety, by deleting the word ***“time:”*** and replacing them with the words ***“time the election is called until two weeks following the election.”***

89. Subsection 6.35 as renumbered is hereby amended by adding the following new clause:

***“(i) The use of a tent for special events provided the special event is restricted to no more than three consecutive days at a time on any one lot.”***

90. Subsection 6.38 is hereby renumbered to subsection 6.36 and subsection 6.36 as renumbered is hereby amended by deleting the word ***“which”*** after the words ***“Where a lot”***.

91. Subsection 6.39 is hereby renumbered to subsection 6.37.

92. Subsection 6.37(a) as renumbered is hereby amended by adding the word ***“use”*** after the word ***“conservation”***.

93. Subsection 6.37(h) as renumbered is hereby amended by adding the words ***“or any lands within the Ontario Greenbelt Plan (2005) between Lake Ontario and lands under the jurisdiction of the Niagara Escarpment Commission”***.

94. Subsection 6.37(i) as renumbered is hereby amended by deleting the number ***“6.2”*** and replacing it with the number ***“6.3”***.

95. Subsection 6.37(j) as renumbered is hereby deleted in its entirety.

96. Subsection 6.40 is hereby renumbered to subsection 6.38 and subsection 6.38(a)(i) as renumbered is hereby amended by deleting the number ***“6.37(g)”*** and replacing it with the number ***“6.35(g)”***.

97. Subsection 6.38(a)(iii) as renumbered is hereby amended by adding the words ***“or the stockpiling of used tires”*** to the end of the sentence.

98. Subsection 6.38(a)(iv) as renumbered is hereby amended by adding the words "***or prefabricated shipping container***" to the end of the sentence.

99. Subsection 6.38(d) as renumbered is hereby amended by deleting the words "***effect;***" and replacing them with the words "***effect including***".

100. Subsection 6.38(e) as renumbered is hereby deleted and replaced with the words "***The use of recreational vehicles for human habitation;***".

101. Subsection 6.38(f) as renumbered is hereby amended by adding the words "***in accordance with subsection 6.35(i) of this By-law***" after the words "shall not prevent the use of tents".

102. Subsection 6.41 is hereby renumbered to subsection 6.39.

103. Section 6 is hereby amended by adding the following new subsection as follows:

**6.40 WIND MACHINES**

***Wind machines are permitted as an accessory use to an agricultural use within any Agricultural (A) Zone.***

104. AND THAT this By-law shall become effective from and after the date of passing thereof.

READ A FIRST TIME THIS 19TH DAY OF FEBRUARY, 2008

READ A SECOND TIME THIS 19TH DAY OF FEBRUARY, 2008

READ A THIRD TIME AND FINALLY PASSED THIS 19TH DAY OF FEBRUARY, 2008

  
MAYOR: BILL HODGSON

  
CLERK: WILLIAM J. KOLASA

## EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 08-20-Z368

The Town of Lincoln initiated a work program to update its current Zoning By-law No. 93-14-Z1. The primary objective of the update is to ensure the Town's By-law implements policy and mapping changes approved in the Town's recent Official Plan update, the Prudhommes Secondary Plan and the Jordan, Jordan Station and Vineland Secondary Plans. The majority of the Town is located within the Greenbelt. Lands in the Greenbelt Plan and/or lands subject to the Niagara Escarpment Plan surround all of the Town's urban area boundaries. Future development in the Town is limited to developable vacant lands, infilling, intensification and redevelopment of lands within the urban area. Changes to the Town's Zoning By-law reflect these future development options.

As part of updating the Town's Zoning By-law, this By-law amends some of the provisions of Section 5: ZONES AND ZONE SCHEDULES and Section 6: GENERAL PROVISIONS.

CN: 3-5-02-03  
Application: 2006-13  
PL 08-10  
Zoning By-law Update