

**THE CORPORATION OF THE TOWN OF LINCOLN**

**BY-LAW NO. 2019-XX-ZXXX**

**A BY-LAW TO AMEND ZONING BY-LAW NO. 93-14-Z1,  
AS AMENDED, OF THE TOWN OF LINCOLN  
(PUBLIC USES)**

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 4.245 is hereby deleted in its entirety and replaced with the following new subsection 4.245:

**“4.245**        **PUBLIC USE** means designed, adapted or used for civic, political, educational, social or recreational purposes, or for local or other such public use, and shall include a defense project, public hospital, police station, fire station, ambulance station, public works yard, waterworks, pumping station, street, alley, a school other than a commercial school, public park, library, museum, public art gallery, observatory, community centre, cemetery, mausoleum or other such public use. A public use shall not include any other institutional use or any commercial or industrial use, or any other non-public use.”

2. Subsection 6.27 is hereby amended by renumbering subsections 6.27 to 6.40 to subsections 6.28 to 6.40 respectively and by adding a new subsection 6.27 as follows:

**“6.27**        **PUBLIC USES**

*Nothing in this By-law shall:*

- (a) *Prevent the use of any land as a public use provided by or on behalf of the Town of Lincoln, Regional Municipality of Niagara or Province of Ontario, provided that:*
  - (i) *Any buildings or structures shall be in substantial compliance with the relevant provisions of this By-law;*
  - (ii) *Any building, structure or use shall not adversely affect the character or amenity of the neighbourhood in which it is located; and*
  - (iii) *The use is not industrial in nature.*

- (b) *Prevent the use of land for a street or prevent the construction, installation, operation and maintenance of public infrastructure such as sidewalks, trails, watermains, sanitary and storm sewers, storm detention ponds, gas mains, pipes and mains, electrical transmission and distribution lines, cables and conduits, telephone, cable television lines or other supply lines or communication lines, and appurtenances such as water booster stations and sewage and/or storm pumping stations to the forgoing provided that the location of any such pipes, mains, lines, cables and conduits have been approved by the Town of Lincoln where applicable; and*
- (c) *Prevent the use of any land for the erection of buildings or structures not exceeding 30 square metres, or the installation of other facilities essential to the operation of public utilities as defined in this By-law, provided that any such use, building or structure shall not adversely affect the character or amenity of the neighbourhood in which same is located.”*
3. Subsection 6.31 is hereby deleted in its entirety.
4. AND THAT this By-law shall become effective from and after the date of passing thereof.

READ A FIRST TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019

READ A SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019

READ A THIRD TIME AND FINALLY PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019

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MAYOR: SANDRA EASTON

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CLERK: JULIE KIRKELOS

## **EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2019-XX-ZXXX**

The Town of Lincoln initiated an update its current Zoning By-law No. 93-14-Z1. The new provisions for public uses ensure that the Town accommodates municipal amenities and public resource facilities for its residents as a result of growth.

CN: 3-5-02-03  
Application: PLZBA20190015  
PD-05-19  
Public Uses

DRAFT