

**DATE:** September 13, 2021

**REPORT NO:** PD-101-2021

**SUBJECT:** **Recommendation Report – Official Plan Amendment No. 61 – Garden Suite Official Plan Policy Amendment**

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- In 2014, Official Plan Amendment No. 44 was approved by by-law 2014-102 on November 10th, 2014 as recommended by planning staff through report PD-146-14 dated November 3, 2014.
- The above Official Plan Amendment added a new section to the Official Plan on Affordable Housing policies (OPA 44) by the creation of a new Section 17. The Staff reports at the time of the affordable housing amendments made reference to the garden suite policies and Provincial changes in the temporary bylaw timeline from 10 years to 20 years. Yet Section 18.4 (Temporary Use Zoning By-law and Garden Suites) was not changed from 10 to 20 years as part of that amendment process.
- This staff report is written to advise that staff have now completed the public meeting process to change Section 18.6 of the Township of West Lincoln Official Plan to change the 10 year limitation to 20 years to bring the Township's policy into alignment with Provincial policy.
- Township staff have worked closely with Regional Staff and other Township departments to finalize an amendment to these policies.
- Township staff are recommending approval of Official Plan Amendment No. 61, as attached, immediately following the September 13<sup>th</sup> 2021 Public Meeting.

**RECOMMENDATION:**

1. That, Report PD-101-2021, regarding "Garden Suite Official Plan Policy Amendment – Official Plan Amendment No. 61", dated September 13<sup>th</sup> 2021, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, Application 1701-003-21 (#61) for Official Plan Amendment, BE APPROVED and that the necessary bylaw be prepared at the Township Council Meeting and that staff circulate Notice of Approval in accordance with the Planning Act.
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme #3**

- Strategic, Responsible Growth

## **BACKGROUND:**

Numerous reports were written in 2014 to implement affordable housing policies within the Township of West Lincoln Official Plan. Official Plan Amendment No. 44 was approved by by-law 2014-102 on November 10th, 2014. Regional staff supported the Official Plan Amendment and advised that it was exempt from Regional Council approval.

Reference was made in that amendment process to the Provincial change in the garden suite time limitation of 10 years shifting to 20 years; yet the Township policy as contained in Section 18.4 was not changed at that time. This report is written following a report in July 2021 to recommend that an official plan amendment be approved to adjust the 10 year limitation as contained in Section 18.4 to 20 years.

The Planning Act has changed Section 37 to permit temporary zoning by-laws for garden suites for up to 20 years in the first instance. This Planning Act change was referenced by Township of West Lincoln staff reports in 2014, but never implemented.

This report is written to recommend an Official Plan Amendment Policy change which would change the time limitation as currently referenced in Section 18.4 of the Township of West Lincoln Official Plan from 10 years to 20 years.

## **CURRENT SITUATION:**

Township Staff have reviewed and are providing the relevant Provincial, Regional and Local policy surrounding a Garden Suite Official Plan Policy Amendment:

### **1. Provincial Policy Statement (PPS)**

The PPS does not speak to Garden Suites, but does provide general direction to provide a range of housing types in a municipality. The direction which requires municipalities to include policies for garden suites comes from the Planning Act, which allows municipalities to pass by-laws that will permit garden suites to be on a property for not more than 20 years. The Planning Act defines a “garden suite” as a one-unit detached residential structure containing a bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

The Planning Act was changed by the Province in or around 2014 and Section 37 now permits temporary zoning by-laws for garden suites for up to 20 years in the first instance. This Planning Act change was referenced by Township of West Lincoln staff reports in 2014, but was never implemented.

### **2. A Place to Grow – Provincial Growth Plan (P2G)**

Applications filed after June 16, 2006 must conform to the A Place to Grow – Provincial Growth Plan. Section 1.2.3 of the P2G provides direction on how to read the Growth

Plan, specifically noting that: *This Plan must also be read in conjunction with other provincial plans as defined in the Planning Act that may apply within the same geography.* Since there are no applicable policies within the P2G for this particular situation, the PPS will be the only set of provincial policies to apply.

### **3. Greenbelt Plan**

Applications must conform to the Greenbelt Plan if they fall within the mapping provided with the Greenbelt Plan. Since the subject lands are outside the area designated in the Greenbelt Plan, the PPS is the provincial policy that applies in this situation.

### **4. Regional Policy Plan (RPP)**

The RPP does not speak specifically to garden suites, however, does support temporary dwelling units in the agricultural area for relatives of the occupants of the principle dwelling. The RPP relies on the local Official Plan and By-law to provide more detailed policies regarding garden suites. As such, the Township policies are what will direct the development of the garden suite.

Planning staff have been in consultation with Regional planning staff in regards to the change for the maximum amount of time for a temporary use garden suite to be increased from ten (10) years to twenty (20) years. The Regional Official Plan, 2014 (ROP) supports development that contributes to a range of housing types, including housing that is affordable, accessible, and suited to the needs of different household and income groups. Please see attached Official Plan Amendment and By-Law for more details. (Attachment 2)

### **5. Township of West Lincoln Official Plan (OP)**

The Township OP currently provides the following requirements for garden suites:

- i. *The unit shall only be used on a temporary basis in conjunction with an existing dwelling on the same lot;*
- ii. *The lot size/layout in terms of accommodating the garden suite without unreasonable loss of private outdoor amenity area;*
- iii. *Compatibility of the garden suite with the surrounding neighbourhood in terms of general form, privacy, shadowing and separation distance;*
- iv. *Adequacy of site access and on-site parking;*
- v. *The unit is not placed in the front yard of the lot or the required front yard as established by the Zoning By-law;*
- vi. *No additional access is provided to the lot from a public road;*
- vii. *Placement of the unit is not exclusively removed from the existing dwelling;*
- viii. *The proposed site is capable of accommodating an approved septic and water supply system as determined by the Township of West Lincoln, or verification that adequate municipal services can be provided on this lot.*
- ix. *The location of such unit shall be in accordance with the Minimum Distance Separation Formulas where the use is proposed near any livestock operation.*
- x. *The main dwelling unit and the proposed garden suite are clustered in the same general location on the property.*

### **FINANCIAL IMPLICATIONS:**

Discussions with the Treasury Department has identified that a garden suite will be

taxed as part of the property taxes on the parcel of land on where the garden suite is situated and for the period of time that it is on the property.

**INTER-DEPARTMENTAL COMMENTS:**

Notice of Public Meeting was circulated to all relevant agencies on July 16<sup>th</sup> 2021. The NPCA, Township Building Department, Septic Inspector, Public Works Department, and Drainage Superintendent have no objection to amendment as proposed.

The Niagara Region have provided comments regarding this Official Plan amendment. These comments can be found as attachment 2 to this report.

**PUBLIC COMMENTS:**

A Notice of Public Hearing was posted on the Township's website and on the Township's newspaper on July 28<sup>th</sup> 2021. No comments have been received as of September 8<sup>th</sup> 2021.

**CONCLUSION:**

Township staff have completed a draft Official Plan Amendment regarding the Garden Suite Policy that changes the policy of Section 18.4 from a maximum of 10 years to a maximum of 20 years. Planning staff feel that this proposed change is necessary to properly align with Provincial planning policies and can therefore recommend approval.

Once a bylaw is proposed by Township Council to adopt OPA #61 and notice of decision is circulated without appeal than the new Official Plan is in full force and effect. The application by Richard and Anita Merritt can be approved any time after the approval of Official Plan Amendment #61 as amended for approval through this report.

**ATTACHMENTS:**

1. DRAFT Official Plan Amendment No. 61
2. Draft By-law
3. Agency comments

**Prepared & Submitted by:**



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**Brian Treble**  
Director of Planning & Building



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**Madyson Etzl**  
Planner II

**Approved by:**



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**Bev Hendry**  
CAO