

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

**BY-LAW 2021-80**

**BEING A BY-LAW ADOPT AMENDMENT NO. 61 TEMPORARY  
USE BY-LAW AND GARDEN SUITES POLICIES TO THE  
OFFICIAL PLAN FOR THE TOWNSHIP OF WEST LINCOLN**

The Council of the Corporation of the Township of West Lincoln in accordance with the provisions of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. THAT, Amendment No. 61 (Temporary Use By-Law and Garden Suite Policies) to the Official Plan for the Township of West Lincoln, attached hereto, is hereby adopted and implemented as detailed in Schedule 'A'.
2. THAT, staff be directed to circulate a Notice of Decision in accordance with the Planning Act, 1990, as amended, based on a Regional Municipality of Niagara exemption.
3. AND 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  
27<sup>th</sup> DAY OF SEPTEMBER, 2021.**

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**DAVE BYLSMA, MAYOR**

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**JOANNE SCIME, CLERK**

**AMENDMENT NUMBER 61**  
**TO THE**  
**OFFICIAL PLAN**  
**OF THE**  
**TOWNSHIP OF WEST LINCOLN**

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**TO THE**  
**OFFICIAL PLAN**  
**OF THE**  
**TOWNSHIP OF WEST LINCOLN**  
**AS AMENDED**

**PART 1 – THE PREAMBLE**

**1.1    TITLE**

This Amendment when adopted by Council shall be known as Amendment Number 61 to the Official Plan of the Township of West Lincoln.

**1.2    COMPONENTS**

This Amendment consists of the explanatory text. The preamble does not constitute part of the actual amendment, but is included as background information.

**1.3    PURPOSE**

The purpose of this Amendment is to revise the Policies for the future of Temporary Use/ Garden Suite Policies within West Lincoln by changing the length of approval from 10 years to 20 years.

**1.4    BASIS OF THE AMENDMENT**

The Township of West Lincoln is proposing to amend the Official Plan to introduce an extended period of time to allow Temporary Garden Suites to be located on a property from a maximum of 10 years to a maximum of 20 years to align with the Planning Act.

## **PART 2 – THE AMENDMENT**

### **2.1 PREAMBLE**

All of this part of the document entitled PART 2 – THE AMENDMENT, consisting of the following text changes constitutes Amendment No. 61 to the Official Plan of the Township of West Lincoln.

### **2.2 DETAILS OF THE AMENDMENT**

- 2.2.1 The text of the Township of West Lincoln Official Plan is hereby amended by replacing “Ten (10) Years” with “Twenty (20) Years”; and as revised, it will read as follows:

#### **18.4.1 Temporary Use By-law**

Council may, in a by-law passed under the Planning Act, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-law. Such a by-law may be in effect for a maximum period of three years for all temporary uses, except garden suites. Garden suites may have by-laws passed to be in effect for up to twenty (20) years from the date of passage. Council may extend the term of the by-law, by further by-law amendment, for additional three (3) year (maximum) terms.

Council shall satisfy itself that the proposed use is temporary, and will not create detrimental effects on the surrounding area. Temporary uses not allowed by the applicable policies of this Plan will not be permitted. Temporary uses, buildings and structures that are not farm-related shall not be permitted in the Unique or Good General Agricultural Areas.

Upon expiry of a Temporary Use By-law, uses permitted by that By-law must cease and cannot be considered as non-conforming uses. The type of uses envisaged by Council as requiring a temporary use by-law include, but shall not be limited to: temporary use of a mobile home as a dwelling unit, or the existence of two homes on one lot while one of the homes is under construction.

### **2.4 IMPLEMENTATION**

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval unless a Regional exemption has been provided. This amendment will be implemented through notification of the Regional Clerk's department of decision to approve.

Should the final approval be delegated to the Township, this amendment will be implemented through notification of the Township Clerk's department to all interested agencies of the decision to approve.

If no appeals are received within the appeal period, the amendment will be in full force and effect.

**AMENDMENT NUMBER 61**  
**TO THE**  
**OFFICIAL PLAN**  
**OF THE**  
**TOWNSHIP OF WEST LINCOLN**  
**AS AMENDED**

Official Plan Amendment Number 61 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2021-80 in accordance with the provisions of Section 17 (22) of The Planning Act, R.S.O. 1990, amendments made thereto on the 27<sup>th</sup> day of September, 2021

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Joanne Scime, Clerk

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Mayor Dave Bylsma

I, Joanne Scime, the Clerk of the Corporation of the Township of West Lincoln, hereby certify that the requirements for the giving of Notice, and the holding of at least one Public Meeting as set out in Section 17(22) of the Planning Act, R.S.O. 1990 have been complied with for Official Plan Amendment Number 61.

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Joanne Scime, Clerk