

**AMENDMENT NUMBER 47  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF WEST LINCOLN  
(NEW ZONING BY-LAW CONFORMITY - HOUSEKEEPING)  
2017**

**AMENDMENT NUMBER 47  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF WEST LINCOLN**

**PART 1 – THE PREAMBLE**

**1.1 TITLE**

This Amendment when adopted by Council shall be known as Amendment Number 47 (New Zoning By-law Conformity – Housekeeping) to the Official Plan of the Township of West Lincoln.

**1.2 COMPONENTS**

This Amendment consists of Part 1- The Preamble and Part 2 – The Amendment. 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 specific policies of the Official Plan to ensure that the Township's new Zoning By-law, when enacted, will conform with the Official Plan, including the following policy changes:

- Revisions to Section 6.1.5 of the Official Plan to permit certain forms of communal housing, without the requirement for a site-specific Zoning By-law Amendment, subject to the permitted uses and regulations of the new Zoning By-law;
- Revisions to Section 6.5.2 of the Official Plan to permit residential apartment dwellings in the Residential/Mixed Use Area designation;
- Revisions to Section 6.7.3 of the Official Plan to permit residential apartment dwellings not restricted to above the first storey of buildings in the Commercial Core designation;
- Revisions to Section 18.13.2 of the Official Plan to clarify the application of Minimum Distance Separation requirements for surplus farm dwelling severances;
- Revisions to Section 18.17 of the Official Plan to permit home industries, without the requirement for a Zoning By-law Amendment, subject to the permitted uses and regulations of the new Zoning By-law.

**1.4 LOCATION**

The Amendment applies generally to all land within the Township of West Lincoln, although the specific policy changes noted above will only affect certain land as follows:

- Revisions to Section 6.1.5 to permit certain forms of communal housing only affect land that is to be zoned as Institutional (I) Zone, High Density Residential (RH) Zone and Low Density Residential (R1A, R1B, R1C, R1D, R2 and R3) Zones, and Agricultural (A)

Zone in the Township's new Zoning By-law, where specific types of communal housing are proposed to be permitted in accordance with the permitted uses of the applicable zone;

- Revisions to Sections 6.5.2 and 6.7.3 of the Official Plan only affect land within the designated Mixed Use Corridor and Intensification Area in downtown Smithville, as shown on Schedules 'B-4' and 'B-5', respectively, of the Township of West Lincoln Official Plan;
- Revisions to Section 18.13.2 of the Official Plan to clarify the application of Minimum Distance Separation requirements would apply to any lands designated as Good General Agricultural where a surplus farm dwelling severance is proposed after the effective date of this Official Plan Amendment;
- Revisions to Section 18.17 to permit home industries only affect land that is to be zoned as Agricultural (A) Zone in the Township's new Zoning By-law, where home industries are proposed to be permitted in accordance with the permitted uses of the applicable zone.

## **1.5 BASIS OF THE AMENDMENT**

The basis of this amendment is to provide for the enactment of the Township's new Comprehensive Zoning By-law by ensuring that the by-law conforms with the Official Plan as required by the Planning Act. The new by-law will comprehensively repeal and replace the current Zoning By-law No. 79-14 and all amending by-laws, and will apply to all lands within the Township. An extensive review and consultation process has led to the development of the new Zoning By-law with detailed consideration to a wide range of policy, regulatory and local planning matters and that has addressed the requirements of the Planning Act. The Zoning By-law is the primary tool for implementing the Official Plan, and is required to conform with the Official Plan.

During the course of developing the new Zoning By-law, the following housekeeping items were identified that require an amendment to the Official Plan in order to align the documents and reflect current policy approaches based on Provincial plans, policies and guidelines:

### **1.5.1 Communal Housing**

Section 6.1.5 of the Official Plan requires that all communal housing developments shall be subject to a site-specific Zoning By-law Amendment. This policy references a range of communal and institutional housing forms, including nursing homes, homes for the aged, retirement homes, retirement lodges, boarding houses, continuum-of-care developments, seniors' accommodations and similar forms of service-oriented communal housing with shared common facilities. In the Township's new Zoning By-law, some types of communal, supportive and special needs housing are permitted in certain zones and therefore an amendment to the Zoning By-law would not be required to establish these uses in the locations zoned for these uses. For example, retirement homes and long-term care facilities would be permitted in Institutional Zones, retirement homes and seniors apartments would be permitted in the High Density Residential Zone, group homes for up to 3 to 6 people in single detached dwellings in Low Density Residential and Agricultural Zones, and boarding or rooming houses (maximum 3 lodging units) in Low Density Residential Zones.

A range of housing opportunities should be permitted to be consistent with the Provincial Policy Statement (PPS, 2014) and also based on the Ontario Human Rights Commission (OHRC) guide entitled "In the zone: Housing, human rights and municipal planning" which provides recommended municipal policy and zoning practices in relation to human rights and housing. The existing Zoning By-law No. 79-14 uses outdated terminology in reference to these forms of housing, but does permit certain types of communal housing in Institutional Zones under the definition of the term "Institutional" which is listed in the permitted uses of the zone as "Institutional Use". As such, some types of communal housing are already currently permitted on land that is zoned for Institutional uses in the Zoning By-law, notwithstanding the policies of the Official Plan which state that a site-specific Zoning By-law Amendment is required for these uses.

Following on the development of the new Zoning By-law, and based on the direction provided in current Provincial and Regional housing policies, the current Township Official Plan policy is proposed to be amended to permit a broader range of housing including certain forms of communal housing in appropriate locations, without requiring an amendment to the Zoning By-law. The specific types of communal housing permitted and the locations where these uses are permitted is to be established in the new Zoning By-law. With this amendment to the Official Plan, proposed communal housing developments would not be subject to the requirement for a site-specific Zoning By-law Amendment where the proposed use is permitted by the applicable Zone in the Zoning By-law and the proposed development will comply with the applicable regulations. However, there may still be site-specific instances where an amendment will be required to permit certain specific types of dwellings depending on the zoning and density permissions, and this Amendment is not to be interpreted to permit all types of housing in all areas, but rather to recognize the existing and proposed zoning permissions for certain communal housing types in appropriate locations, subject to the regulations of the Zoning By-law.

Further, the Official Plan establishes minimum separation distances between Group Homes in Clause (b) of Section 18.22.2. These types of minimum separation requirements between Group Homes have been deemed to be discriminatory on the basis of the Ontario Human Rights Code and have been recommended for deletion from the current Zoning By-law No. 79-14 and, correspondingly, in the Official Plan, through the new Zoning By-law development.

#### **1.5.2 Residential Use Permissions in Commercial Core / Mixed Use / Intensification Area**

Section 5.9 of the Official Plan directs that higher density apartment development will be directed to locations in the intensification area that are designated for High Density Residential areas, Mixed-Use areas, or the Downtown Commercial Core Area. However, this policy direction is not reflected in the policies of Sections 6.5.2 and 6.7.3 which establish the permitted uses of the Residential/Mixed Use Area and Commercial Core Area designations, as these designations do not identify residential apartment dwellings as permitted uses except as part of mixed use buildings with a commercial use on the ground floor.

Through the new Zoning By-law development, and to promote residential intensification and housing opportunities in the downtown core area of Smithville, it was determined that the new Zoning By-law should permit stand-alone residential apartment dwellings in the Core Commercial (C1) Zone.

Currently, the existing Zoning By-law 79-14 only permits residential uses within and accessory to commercial buildings in the existing C2 zoning applicable to downtown Smithville.

To clarify the current Official Plan policies and give greater effect to the Township's intensification strategy, the current Official Plan policies are proposed to be amended to list residential apartment dwellings as a permitted use in the Residential/Mixed use Area and Commercial Core Area designations, subject to related policies and criteria supportive of protecting and enhancing the primary commercial role and planned function of the downtown. This policy change will ensure alignment among the Official Plan and new Zoning By-law and provide for more flexible mixed use opportunities in the designated Mixed Use Corridor and Intensification Area shown on Schedules 'B-4' and 'B-5', respectively, of the Official Plan.

### **1.5.3 Minimum Distance Separation Requirements for Surplus Farm Dwelling Severances**

Section 18.13.2 of the Official Plan establishes the Agriculture Consent Policies and Clause (g) of this section permits the severance of a dwelling acquired through farm consolidation where the dwelling is surplus to the needs of the farm operation, subject to criteria (i) to (vii). Subclause (v) requires that the consent complies with the Minimum Distance Separation Formula I (MDS I).

In order to apply the MDS requirements, the new MDS Document is included as Schedule B to the new Zoning By-law. For lot creation for a residence surplus to a farming operation, MDS Guideline #9 states, "Where the existing dwelling to be severed and the nearby livestock facility or anaerobic digester are located on separate lots prior to the consent, an MDS I setback is not required for the consent application (or associated rezoning) unless otherwise required by a municipal official plan policy." To clarify the intent of the Township's policy in Section 18.13.2 (g) (v) with respect to the application of MDS I to surplus farm dwelling severances, wording is proposed to be added to this policy to indicate that compliance with MDS I is required in these circumstances.

### **1.5.4 Home Industries**

Section 18.17 of the Official Plan states that home industries "may be permitted by Zoning By-law Amendment." In the Provincial Policy Statement (2014) and Provincial Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas (Publication 851), home industries are considered as a form of "On-Farm Diversified Uses." The Official Plan permits up to 3 farm diversification activities associated with the farm operation on a lot, but does not specifically include provisions for home industries within this context.

In the new Zoning By-law, the General Provisions include new regulations for on-farm diversified uses, including home industries which are also subject to more specific regulations, and it is proposed that these uses should be permitted in the Agricultural (A) Zone without the requirement for a Zoning By-law Amendment, subject to these new regulations and Site Plan Control.

The existing Zoning By-law permits home industries only in specific exception zones established by site-specific amendments only, and does not establish general regulations applicable to these types of on-farm businesses.

With the implementation of the proposed regulations in the new Zoning By-law, and based on current Provincial policies and guidelines for on-farm diversified uses, this Official Plan policy is proposed to be amended to permit home industries without requiring an amendment to the Zoning By-law. Zoning amendments or variances would still be required where changes to the types of uses or standard regulations applicable to these uses are proposed to be altered for specific on-farm business proposals.

## **PART 2 – THE AMENDMENT**

### **2.1 PREAMBLE**

All of this part of the document entitled PART 2- THE AMENDMENT, consisting of the text amendments and mapping amendments constitute Amendment No. 47 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 re-wording Clause (g) of Section 6.1.5 to read as follows:

“g) All Communal Housing developments shall be subject to Site Plan Control.”

2.2.2 The text of the Township of West Lincoln Official Plan is hereby amended by adding a new Clause (h) after Clause (g) of Section 6.1.5 as follows:

“h) The Zoning By-law shall establish the specific zones and regulations for communal housing uses that shall include, but not be limited to, size, location, performance standards and specific use.”

2.2.3 The text of the Township of West Lincoln Official Plan is hereby amended in Clause (m) of Section 7.2.3 by replacing the section reference to “Section 17.21” with “Section 18.22.2.”

2.2.4 The text of the Township of West Lincoln Official Plan is hereby amended by deleting clause (b) of Section 18.22.2 in its entirety, which requires minimum separation distances between group homes, and by re-lettering the subsequent Clauses (c) to (e) inclusive and accordingly.

2.2.5 The text of the Township of West Lincoln Official Plan is hereby amended by inserting a new Subclause i. in Clause (a) of Section 6.5.2 as follows, and by re-numbering the existing Subclauses i. to vi. inclusive and accordingly:

“i. Apartment buildings;”.

2.2.6 The text of the Township of West Lincoln Official Plan is hereby amended by re-wording Subclause i. of Clause (a) of Section 6.7.3 to read as follows:

“i. Apartment buildings located independently or as part of a mixed use site containing other permitted uses, subject to the Development Criteria for Apartment Buildings in Section 6.6.7 of this Plan, and residential apartments located above the first storey of a building containing one or more other permitted uses on the ground floor, or to the rear of the other permitted use;”.

2.2.7 The text of the Township of West Lincoln Official Plan is hereby amended by adding the following sentence after the first sentence of Clause (c) of Section 6.7.5:

“To protect and preserve the primary commercial and community services functions of the Commercial Core, the location and number of residential units within the Commercial Core may be regulated and limited in the Zoning By-law.”

2.2.8 The text of the Township of West Lincoln Official Plan is hereby amended by adding the following to the end of the first sentence of Section 18.13.2 (g) (iv):

“, including where the existing dwelling to be severed and the nearby livestock facility are located on separate lots prior to the consent.”

2.2.9 The text of the Township of West Lincoln Official Plan is hereby amended by re-wording the first sentence of Section 18.17 to read as follows:

“Home industries may be permitted in the Agricultural and Hamlet Area designations, subject to the following:”.

2.2.10 The text of the Township of West Lincoln Official Plan is hereby amended by re-wording clause (a) of Section 18.17 to read as follows:

“a) The use is small in scale and remains secondary to the principal use of the property, and in the Agricultural Area home industries shall be secondary to the principal agricultural use of the property.”

2.2.11 The text of the Township of West Lincoln Official Plan is hereby amended by re-wording the last sentence of Section 18.17 to read as follows:

“The permitted locations, size, activities and other aspects of a home industry shall be established in the implementing zoning by-law.”


2.2.12 That Schedule F “Infrastructure and Transportation” be amended to depict the extension of Spring Creek Road from the extension of South Grimsby Road 6 to Station Street as a collector road.

**AMENDMENT NUMBER 47**  
**TO THE**  
**OFFICIAL PLAN**  
**OF THE**  
**TOWNSHIP OF WEST LINCOLN**  
**AS AMENDED**

Official Plan Amendment Number 47 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2017-69 in accordance with the provisions of Sections 17(22) of The Planning Act, R.S.O. 1990, and amendments made thereto, on the 26<sup>th</sup> day of June, 2017.



Carolyn Langley, Clerk



Mayor Douglas Joyner



I, Carolyn Langley, 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 47.



Carolyn Langley, Clerk