



DECISION
With respect to an Official Plan Amendment
Subsection 17(34) of the Planning Act

Amendment No. 10 to the Official Plan for the Township of Lucan Biddulph is hereby approved, subject to the following modifications to Section 5.0 'Details of the Amendment' within Part "B" – The Amendment:

1. Section No. 1 of Amendment No. 10 is modified by adding the following wording at the end of the section:

"The Township is located on the Treaty and Traditional Territory and Ancestral Lands of many Indigenous peoples and is covered by several Upper Canada Treaties. The Township recognizes and celebrates the contributions of Indigenous Communities in our shared cultural heritage. The Township is now home to many First Nations, Métis, and Inuit peoples and communities that have a unique relationship with the land and its resources, and continue to shape the history and economy of the Township.

The Township recognizes the unique role Indigenous Communities have in land use planning and development, and the contribution of Indigenous Communities' perspectives and traditional knowledge to land use planning decisions. The Township recognizes the importance of consulting with Indigenous Communities on planning matters that may affect their Treaty rights and interests and seeks to build constructive, cooperative relationships through meaningful engagement to facilitate knowledge-sharing in land use planning processes, inform decision-making, and build partnerships."

2. Section No. 8 of Amendment No. 10 is modified by deleting the number "**12.5**" in the second sentence and replacing it with the number "**15**".
3. Section No. 9 of Amendment No. 10 is modified by:
 - deleting the word "**no**" in subsection 2.1.5.5(1)(b)(ii) and replacing it with "**minimal**".
 - deleting the words "**as will a study and a public hearing to determine if the Official Plan amendment should be undertaken**" in subsection 2.1.5.5(1)(b)(v).
 - adding the word "**unreasonably**" in subsection 2.1.5.5(1)(c)(iii) in the last paragraph, first sentence, before the word "**increase**".

- adding the words “**unless site plan does not apply by statute**” in subsection 2.1.5.5(1)(c)(iv) to the end of the eighth bullet.
- deleting the word “**town**” in subsection 2.1.5.5(1)(d) and replacing it with the word “**village**”.
- deleting the word “**develops**” in subsection 2.1.5.5(1)(d)(iv) and replacing it with the word “**developments**”.
- deleting the word “**apartment**” in subsection 2.1.5.5(1)(d)(v) in the third bullet and replacing it with the word “**high density residential**”.
- adding the words “**unless site plan does not apply by statute**” in subsection 2.1.5.5(1)(d)(vi) to the end of the tenth bullet.

4. Section No. 11 of Amendment No. 10 is modified by deleting subsection 2.1.5.10 and replacing it with:

“In accordance with the Planning Act, R.S.O. 1990, a maximum of two (2) Additional Residential Units are permitted on parcels of urban residential land in all designations where single detached, semi-detached, and townhouse dwellings are permitted and where full Township sewage works and drinking water systems are provided. One (1) ARU may be permitted within a detached accessory building or structure and up to two (2) ARUs may be permitted within the principle dwelling provided that the total number of ARUs on the parcel does not exceed two. Additional Residential Units must meet the Building Code, Fire Code and all other Provincial, County, and Municipal standards. Additional Residential Units within a detached accessory building or structure shall not be permitted to be severed from the principal dwelling.

The Townships Comprehensive Zoning By-law shall include provisions to address the following matters:

- **The provision of adequate access, including emergency access;**
- **That the additional residential unit(s) be clearly subordinate in scale and function to the primary unit; and,**
- **That they shall not be permitted within hazard lands as defined and regulated by conservation authorities.**

Tiny homes, garden suites, granny flats, and mobile homes are considered temporary uses and shall be evaluated as such.”

5. Section No. 12 of Amendment No. 10 is modified as follows:

- a) By deleting the word “**EXISTING**” from the title of subsection 2.1.5.11 and adding the words “**AND TINY HOMES**”.
- b) Adding the words “**and tiny homes**” after all instances of the words “**garden suites**” in the entirety of the section.

6. Section No. 13 of Amendment No. 10 is modified by deleting the words **"TINY DWELLING(S)"** in all instances in the entirety of the section.
7. Section No. 23 of Amendment No. 10 is modified by deleting subsection 2.2.4.4 and replacing it with:

"In accordance with the Planning Act, R.S.O. 1990, a maximum of two (2) Additional Residential Units are permitted on parcels of urban residential land in all designations where single detached, semi-detached, and townhouse dwellings are permitted and where full Township sewage works and drinking water systems are provided. One (1) ARU may be permitted within a detached accessory building or structure and up to two (2) ARUs may be permitted within the principal dwelling provided that the total number of ARUs on the parcel does not exceed two. Additional Residential Units must meet the Building Code, Fire Code and all other Provincial, County, and Municipal standards. Additional Residential Units within a detached accessory building or structure shall not be permitted to be severed from the principal dwelling.

The Townships Comprehensive Zoning By-law shall include provisions to address the following matters:

- **The provision of adequate access, including emergency access;**
- **That the additional residential unit(s) be clearly subordinate in scale and function to the primary unit; and,**
- **That they shall not be permitted within hazard lands as defined and regulated by conservation authorities.**

Tiny homes, garden suites, granny flats, and mobile homes are considered temporary uses and shall be evaluated as such."

8. Section No. 24 of Amendment No. 10 is modified by adding subsection **"2.2.4.5"** as follows:

"GARDEN SUITES AND TINY HOMES

Garden suites and tiny homes are single-unit detached residential structures containing bathroom and kitchen facilities, designed to be portable and are accessory to an existing residential structure. Garden suites and tiny homes are not considered Additional Residential Units and may be permitted through a temporary use by-law for a period of up to 20 years. Extensions to the Temporary use by-law may be granted for periods of up to three years at a time.

The following policies shall apply to garden suites:

- a) **A single garden suite or tiny home shall be permitted on a lot in conjunction with a permitted single detached dwelling provided there is no existing additional residential unit within a detached building on the same lot.**
- b) **A garden suite or tiny home shall only be permitted through the passing of a temporary use by-law under Section 39 of the Planning Act. The use shall not exceed twenty (20) years from the date of passing the by-law.**
- c) **Garden suites or tiny homes shall only be permitted where there is adequate water and sewage capacity on the lot to service the suite.**

- d) Garden suites or tiny homes shall comply with the setbacks for accessory buildings, as set out in the Zoning By-law.
 - e) As per the Planning Act provisions for garden suites or tiny home, Council may require the owner of the suite or any other person to enter into an agreement with the municipality dealing with such matters related to the temporary use of the garden suite or tiny home as the Council considers necessary or advisable, including:
 - The installation, maintenance and removal of the garden suite or tiny home;
 - The period of occupancy of the garden suite or tiny home by any of the persons named in the agreement; and
 - The monetary or other form of security that the Council may require for actual or potential costs to the municipality related to the garden suite or tiny home.”
9. Section No. 24 of Amendment No. 10 is modified as follows:
- By re-numbering subsection “**2.2.4.5 MODULAR / PRE-BARICATED HOUSING**” to subsection “**2.2.4.6**”; and,
 - By deleting the words “**TINY DWELLING(S)**” in all instances in the entirety of the section.
10. Section No. 25 of Amendment No. 10 is modified by deleting the number “**2.2.4.6**” and replacing it with “**2.2.4.7**”.
11. Section No. 26 of Amendment No. 10 is modified by deleting the number “**2.2.4.7**” and replacing it with “**2.2.4.8**”.
12. Section No. 32 of Amendment No. 10 is modified:
- by deleting the words “**semidetached, and rowhouse**” in subsection 3.1.1.5(1).
 - by deleting subsection 3.1.1.5(1)(a) and replacing it with:

“**One (1) Additional Residential Unit may be permitted within a detached accessory building or structure and up to two (2) Additional Residential Units may be permitted within the principle dwelling provided that the total number of Additional Residential Units on the parcel does not exceed two. Additional Residential Units must meet the Building Code, Fire Code and all other Provincial, County, and Municipal standards. Additional Residential Units within a detached accessory building or structure shall not be permitted to be severed from the principal dwelling.**”

The Townships Comprehensive Zoning By-law shall include provisions to address the following matters:

- The provision of adequate access, including emergency access;
- That the additional residential unit(s) be clearly subordinate in scale and function to the primary unit; and,

- That they shall not be permitted within hazard lands as defined and regulated by conservation authorities.

Tiny homes, garden suites, granny flats, and mobile homes are considered temporary uses and shall be evaluated as such.”

13. That a new Section No. 36 of Amendment No. 10 be added:

36. Section 4.2 is amended by deleting the words “**protected, conserved and preserved as the case may be**” and replacing with the word “**identified**” and by adding the following to the end of the paragraph:

“Council shall not permit development and site alteration on land adjacent to a protected heritage property except where the proposed development and site alteration has been assessed and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

14. That a new Section No. 37 of Amendment No. 10 be added:

“37. Section 4.5 is amended by deleting the words “**protection, restoration, conservation, enhancement, and maintenance**” and replacing with the word “**identification**”.

15. That a new Section No. 38 of Amendment No. 10 be added:

“38. Section 3.1.1.10 a) is amended by deleting the entirety of the first sentence and replacing it with the following: “**the residence was built prior to the date specified in the County of Middlesex Official Plan**”

As thus modified, this Official Plan Amendment is hereby approved pursuant to Section 17(34) of the Planning Act.

Dated at London, Ontario, this _____ day of _____, 2023.

Durk Vanderwerff
Director of Planning and Development
County of Middlesex