



Conditional Zoning Official Plan Amendment

Public Meeting Presentation
October 22, 2025



Purpose of Amendment

The purpose of the proposed Official Plan Amendment is to create policies in the Official Plan to enable to use of “Conditional Zoning”, which is established through Section 34 (16) of the *Planning Act*.

Council gave direction for the Township to commence this Official Plan amendment through report **PL2025-040**, at the May 21, 2025 meeting.

Planning Act – Section 34 (16)



From the *Planning Act*:

Conditions

(16) If the official plan in effect in a municipality contains policies relating to zoning with conditions, the council of the municipality may, in a by-law passed under this section, permit a use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location. 2006, c. 23, s. 15 (7).

Conditional Zoning

What is conditional zoning?

Conditional Zoning is a tool whereby Council, through approving a Zoning By-law Amendment, can apply conditions. It allows conditions of Zoning approval to be applied. Some similar conditions can also occur through "H" (Holding Provisions), Development/Subdivision Agreements or Site Plan Agreements.

Not every option is available for certain conditions – example: Site Plans may be exempted if under 10 dwelling units.

Steps to Enable Conditional Zoning:

First step to enable Conditional Zoning – Official Plan Amendment.

Second Step – Province to enable regulation for Conditional Zoning.

Third Step – the Township would have to then proceed with an enabling By-law to provision the ability to condition zoning applications (Zoning By-law amendment).

Who is using Conditional Zoning?



Currently, only the City of Niagara Falls is using conditional zoning. There is some argument that it can only be implemented once the province introduces a regulation – however the City of Niagara Falls has been using zoning conditions since the *Planning Act* was amended to include this tool. Unclear how this can be used in absence of Ontario Regulation that is noted in the *Planning Act*.

Conditional Zoning is standard in the Province of New Brunswick (Section 59 conditions).

Township is not proposing to utilize this tool until O-Reg enabled.



What conditions can be applied?

From the *Planning Act*:

(16.2) When a **prescribed condition** is imposed under subsection (16),
(a) the municipality may require an owner of land to which the by-law applies to enter into an agreement with the municipality relating to the condition;
(b) the agreement may be registered against the land to which it applies; and
(c) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 2006, c. 23, s. 15 (7).

Other conditions:

Staff are proposing to utilize a “sunset” clause on Zoning, similar to that used in NB.

What conditions are proposed?

- Proposed policies would enable the conditioning of Zoning By-law amendments to deal with servicing, access, public health and safety.
- Additional conditions also address Site Plan Approval or lapsing/failure to achieve conditions – reversion of zoning.
- Policies also clarify that if there is a need to alter conditions – a new Zoning By-law Amendment is required.
- Policies are specifically written in a broad manner to give as much flexibility in the application of conditions – if necessary.
- Conditions would be implemented in the amending By-law once tool is available.

Circulation of OPA - comments



- OPA circulated to all required agencies as per the *Planning Act*.
- Comments received from:
 - Enbridge Gas (no objections).
 - GRCA (No objections).
 - SVCA (No objections).
 - Historic Saugeen Metis (No objections).
 - Grey County – suggested changes to clarify tool can only be used once O-Reg/Zoning By-law amendment in place.
 - Saugeen Ojibway Nation – concerns, requested consultation. Meeting held October 8 to detail amendments. Awaiting further meeting request or clarified response.

Public Comments

We are here to seek feedback from the public and Council on these proposed amendments.

This public meeting is mandatory as part of any Official Plan Amendment.



Next Steps



Following this public meeting – any feedback received will be reviewed by the planning team. If the OPA is amended, another circulation and public meeting will be scheduled. A final version of the Official Plan Amendment will be presented to Council (No ETA).

Council will review the proposed By-law and if approved – the Amendment will be forwarded to Grey County for approval.

Cannot implement until regulations from Province are put in place – this work is to prepare for the point.

Thank you & Questions ?

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Township of
Southgate