

**THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE**

**BY-LAW NUMBER 2024-078-ZO**

BEING A BY-LAW to amend Comprehensive Zoning By-law  
2010-001-ZO of the Town of Whitchurch-Stouffville  
– Sections 3, 4, 5, 5A, 8, 9 and 11

**WHEREAS** Section 34 of the *Planning Act*, R.S.O 1990, c. P. 13, as amended, (the “*Planning Act*”) permits the councils of local municipalities to pass zoning by-laws prohibiting the use of land, or the erecting, locating or using of buildings or structures for, or except for such purposes as may be set out in the by-law; and

**WHEREAS** Section 34(10) of the *Planning Act* permits the councils of local municipalities to amend Zoning By-laws; and

**WHEREAS** Council for the Town desires to amend Comprehensive Zoning By-law 2010-001-ZO;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:**

1. That Comprehensive Zoning By-law No. 2010-001-ZO is hereby amended as follows:
  - i. Table **3.23.1 (Table of Parking Standards within Parking Standards)** be amended by removing the ‘Detached Dwelling with second suite’ row and adding a new row in the appropriate alphabetical locations as follows:

Use of Building or Lot	Minimum number of Parking Spaces
Accessory Residential Unit	Refer to Section 3.28

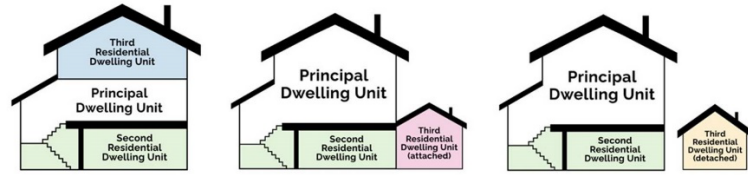
- ii. Section 3.28 (Second Suites) be deleted and replaced as follows:

**“3.28 Additional Residential Units (2024-078-ZO)**

Notwithstanding any other provisions of this By-law to the contrary, Additional Residential Units (ARUs) must comply with Section 3.28, Schedule 65 – Additional Residential Unit - Permission Map, and all other applicable provisions of this By-law.

Refer to Schedule 65 – Additional Residential Unit – Permission Map for 3.28 (i) to (vii) to confirm locational use permissions as it relates to Provincial Plans and restrictive zones.

- i) Single Detached Dwelling, Semi-Detached Dwelling, or Townhouse Dwelling Unit on both Municipal Sewage Services and Municipal Water Services, may have one of the following ARU configurations in addition to a Principal Dwelling Unit:
      - i. a maximum of two (2) ‘integrated’ ARUs are permitted in addition to the principal Dwelling located within a Single Detached Dwelling, Semi-Detached Dwelling, or Townhouse Dwelling Unit; or,
      - ii. a maximum of one (1) ‘integrated’ ARU and one (1) ‘ancillary’ ARU are permitted in addition to the principal Dwelling located within a Single Detached Dwelling, Semi-Detached Dwelling, or Townhouse Dwelling Unit.



- ii) For the purposes of this section only (section 3.28) a Townhouse Dwelling Unit shall include, Back-to-Back Townhouse Dwelling, Stacked Back-to-Back Townhouse Dwelling, Stacked Townhouse Dwelling, Street Townhouse Dwelling, and Townhouse Dwelling as defined by this By-law.
- iii) An ARU can only to be permitted subject to availability of water and sanitary servicing and to the satisfaction of the Town.
- iv) A total of one (1) ARU in the form of an ‘integrated’ ARU or ‘ancillary’ ARU is permitted on an un-serviced or partially serviced Lot with a Single Detached Dwelling, Semi-Detached Dwelling or Townhouse Dwelling Unit within the settlement area boundaries of Vandorf, Gormley, Bloomington, Musselman’s Lake and Ballantrae. This also applies to lands identified as New Urban Areas on Schedule A of the 2024 Town Official Plan until Municipal Sewage Services and Municipal Water Services are available.
- v) Within the Oak Ridges Moraine Conservation Countryside Zone (ORM-C), a total of one (1) ‘integrated’ ARU is permitted within a Single Detached Dwelling.
- vi) Outside a settlement area located within the Greenbelt Plan’s Protected Countryside Area, but outside it’s Natural Heritage System a total of one (1) ‘ARU is permitted as an ‘integrated ARU’ within a Single Detached Dwelling or as an ‘ancillary ARU’ within an existing Accessory Structure.
- vii) An ARU is not permitted within lands zoned Flood Hazard (FH) and/or Environmental (ENV). Should use permission conflict occur in Section 3.28 this provision prevails.
- viii) Ancillary ARUs must conform to ‘Table 1 – Ancillary ARU – Regulations’ and associated ‘Qualifying Notes to Regulations’.

**Table 1 – Ancillary ARU Regulations**

Lot Size	Maximum Lot Coverage	Minimum ‘Actual Rear Yard’ ‘Landscaped Area’ Coverage (3)	Maximum Gross Floor Area	Minimum Front Yard	Minimum Exterior Side Yard	Minimum Interior Side Yard	Minimum Rear Yard	Maximum Building Height
Lots with an area less than 500 sq. m	Parent Zone Maximum Lot Coverage + 10% (2)	50%	50% of the Gross Floor Area of the ‘Principal Dwelling Unit’ or ‘Principal Dwelling Unit with Integrated ARU (2-dwelling units)’ on the lot.  An Ancillary ARU shall not exceed 56 sq. m in Gross Floor Area	Not Permitted in Front Yard	Refer to Parent Zone	Refer to Parent Zone	1.2 m	5.0 m
Lots with an area 500 to 1,499 sq. m	Parent Zone Maximum Lot Coverage + 5% (2)	60%	50% of the Gross Floor Area of the ‘Principal Dwelling Unit’ or ‘Principal Dwelling Unit with Integrated ARU (2-dwelling units)’ on the lot.	Not Permitted in Front Yard	Refer to Parent Zone	1.2 m if Gross Floor Area is 93 square metres or less.	1.2 m if Gross Floor Area is 93 square metres or less. 4.5 m if Gross	5.0 m if minimum 1.2 m Rear Yard is provided.  6.5 m if minimum 4.5 m Rear Yard is provided.

Lot Size	Maximum Lot Coverage	Minimum 'Actual Rear Yard' 'Landscaped Area' Coverage (3)	Maximum Gross Floor Area	Minimum Front Yard	Minimum Exterior Side Yard	Minimum Interior Side Yard	Minimum Rear Yard	Maximum Building Height
			<p>An Ancillary ARU shall not exceed 140 sq. m in Gross Floor Area</p> <p>If 50% of the Gross Floor Area of the 'Principal Dwelling Unit' or 'Principal Dwelling Unit with Integrated ARU (2-dwelling units)' is less than 93 sq.m., then the lot is permitted to have an Ancillary ARU with up to 93 sq.m. of Gross Floor Area.</p>			4.5 m if Gross Floor Area is greater than 93 square metres.	Floor Area is greater than 93 square metres.	
<b>Lots with an area of 1,500 sq. m or more (1)%</b>	Parent Zone Maximum Lot Coverage + 2.5% (2)	75%	Permitted to have an Ancillary ARU up to 233 sq. m in Gross Floor Area.	Refer to Parent Zone	Refer to Parent Zone	Refer to Parent Zone	6.0 m	6.5 m

**Qualifying Notes to Regulations**

- 1) Lots zoned AG or ORM-C are not granted any additional Lot Coverage.
  - 2) If the Parent Zone does not have a Maximum Lot Coverage provision, the Lot Coverage of existing Buildings and Structures is equal to the Maximum Lot Coverage permitted for the purposes of ancillary ARU's.
    - a. If the Parent Zone does not have a Maximum Lot Coverage provision, for new developments on vacant Lots the maximum Lot Coverage requirement is not applicable for the ancillary ARU.
  - 3) A swimming pool, hot tub, or water feature will be considered Landscaped Area.
- ix) Integrated ARUs must conform to 'Table 2 - Integrated ARU – Regulation' and associated 'Qualifying Notes to Regulations.'

**Table 2 - Integrated Additional Residential Unit Regulations**

Lot Size	Maximum Lot Coverage	Minimum 'Actual Rear Yard' 'Landscaped Area' Coverage (3)	Minimum Front Yard	Minimum Exterior Side Yard	Minimum Interior Side Yard	Minimum Rear Yard	Maximum Building Height
Lots with an area less than 500 sq. m	Parent Zone Maximum Lot Coverage + 10% (2)	50%	Refer to Parent Zone	Refer to Parent Zone	Refer to Parent Zone	4.5 m	Refer to Parent Zone
Lots with an area 500 to 1,499 sq. m	Parent Zone Maximum Lot Coverage + 5% (2)	60%	Refer to Parent Zone	Refer to Parent Zone	Refer to Parent Zone	4.5 m	Refer to Parent Zone
Lots with an area of 1,500 sq. m or more (1)	Parent Zone Maximum Lot Coverage + 2.5% (2)	75%	Refer to Parent Zone	Refer to Parent Zone	Refer to Parent Zone	6.0 m	Refer to Parent Zone

**Qualifying Notes to Regulations**

- 1) Lots zoned AG or ORM-C are not granted any additional Lot Coverage.
  - 2) If the Parent Zone does not have a Maximum Lot Coverage provision, the Lot Coverage of existing Buildings and Structures is equal to the Maximum Lot Coverage plus permissions identified in Table 2.
  - 3) A swimming pool, hot tub, or water feature will be considered Landscaped Area.
- x) Balconies or rooftop patios are not permitted on 'ancillary' ARUs.
  - xi) Notwithstanding other provisions of this By-law, an 'ancillary ARU' abutting a lane will require a 1.2m setback from the lane.
  - xii) One (1) Parking Space is required for each ARU in addition to parking requirements for the Single Detached Dwelling, Semi-Detached Dwelling, or Townhouse Dwelling Unit in which the principal Dwelling is located. A Parking Space required for an ARU is permitted in a tandem Parking Space configuration. The Parking Space for the ARU must be located on private property and comply with all other applicable provisions of this By-law.
  - xiii) All Lots containing ARUs shall provide a minimum 1.2 metres wide path of travel from the entrance of each ARU to a public or private Street. No encroachment is permitted to obstruct this path of travel. The path of travel may be shared and used jointly by more than one Dwelling Unit on the Lot.
  - xiv) An ARU may be located above an attached or detached Garage. An attached Garage shall comply with the Parent Zone provisions and Table 2 – Integrated ARU Regulations. A detached Garage, containing an ARU above the required Parking Space in the Garage, may have a height 6.5m and shall comply with Table 1 – Ancillary ARU Regulations.
  - xv) An 'ancillary' ARU may be located within an existing Accessory Building and shall comply with Section 3.28 of this by-law, except Table 1 – Ancillary ARU Regulation's Maximum Gross Floor Area requirements.
- iii. **Table 4.1 (Permitted Uses, Buildings and Structures within Rural and Environmental Zones)** be amended by adding a new row in the

appropriate alphabetical location with checkmarks and qualifiers indicating potential permission as follows:

Permitted Uses, Buildings and Structures	AG (1)	ENV Outside Oak Ridges Moraine Area (1)	ENV Oak Ridges Moraine Area	ENV Stouffville/Ballantrae Musselman's Lake Settlement Area (11)	FH (11)	ORM-C	ORM-L	ORM-NC
Accessory Residential Unit	✓(22)					✓(22)		

iv. Amend Section **4.1.1 (Qualifying Notes to Permitted Uses within Rural and Environmental Zones)** by adding qualifier (22) as follows:

“(22) Additional Residential Units are subject to the regulations in Section 3.28.”

v. Table **5.1 (Permitted Uses, Buildings and Structures within Traditional Residential Zones)** be amended by adding a new row in the appropriate alphabetical location with checkmarks and qualifiers indicating potential permission as follows:

Uses, Buildings and Structures	RPS	RV	R1	R2	R3	R4	RM1	RM2
Accessory Residential Unit	✓(4)	✓(4)	✓(4)	✓(4)	✓(4)	✓(4)	✓(4)	✓(4)

vi. Amend Section **5.1.1 (Qualifying Notes to Permitted Uses within Traditional Residential Zones)** by adding qualifier (4) as follows:

“(4) Additional Residential Units are subject to the regulations in Section 3.28.”

vii. Table **5A.1 (Permitted Uses, Buildings and Structures within New Residential Zones)** be amended by adding a new row in the appropriate alphabetical location with checkmarks and qualifiers indicating potential permission as follows:

Uses, Buildings and Structures	RN1	RN2	RN3	RN4	RN5
Accessory Residential Unit	✓(4)	✓(4)	✓(4)	✓(4)	

viii. Amend Section **5A.1.1 (Qualifying Notes to Permitted Uses within New Residential Zones)** by adding qualifier (4) as follows:

“(4) Additional Residential Units are subject to the regulations in Section 3.28.”

ix. Table **8.1 (Permitted Uses, Buildings and Structures within Other Zones)** be amended by adding a new row in the appropriate alphabetical location with checkmarks and qualifiers indicating potential permission as follows:

Uses, Buildings and Structures	I	OS	D
Accessory Residential Unit			✓(2)(4)

- x. Amend Section **8.1 (Qualifying Notes to Permitted Uses within Other Zones)** by adding qualifier (4) as follows:  
“(4) Additional Residential Units are subject to the regulations in Section 3.28.”
- xi. Amend **Section 9 – Definitions** by adding a new definition for “Additional Residential Unit” as follows:  
**“Additional Residential Unit** means a self-contained Dwelling Unit with a private kitchen, bathroom facilities and sleeping areas within a Single Detached, Semi-Detached or Townhouse Dwelling, or a Building or Structure ancillary to a Single Detached, Semi-Detached or Townhouse Dwelling. An ARU can take the form of an ‘Integrated ARU’ which is located within or attached to the Principal Dwelling Unit or an ‘Ancillary ARU’ which is detached from the Principal Dwelling Unit. A Garden Suite as identified in Section 39 of the *Planning Act* and an Accessory Farm Dwelling Unit is not included in the definition of Additional Residential Unit.
- xii. Amend **Section 9 – Definitions** by adding a new definition for “Municipal Sewage Services” as follows:  
**“Municipal Sewage Services** means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality, including centralized and decentralized systems.
- xiii. Amend **Section 9 – Definitions** by adding a new definition for “Municipal Water Services” as follows:  
**“Municipal Water Services** means a municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*, including centralized and decentralized systems.
- xiv. Amend **Section 9 – Definitions** by adding a new definition for “Principal Dwelling Unit” as follows:  
**“Principal Dwelling Unit** means a Single Detached Dwelling, Semi-Detached Dwelling, or Townhouse Dwelling located on the Lot when that same Lot contains one or more *Additional Residential Units*.”
- xv. Amend **Section 9 – Definitions** by removing definition for “Second Suite.”
- xvi. Amend Section 11 – Schedules by adding a new Schedule 65 as shown on Schedule 1 of this By-law.

2. That this By-law shall come into force in accordance with Section 34 of the *Planning Act*.

READ a first and second time this 19th day of June, 2024.

READ a third time and passed this 19th day of June, 2024.

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Iain Lovatt, Mayor

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Becky Jaimeson, Clerk

Schedule 1

Schedule 65: Additional Residential Unit Permission Map

\*Subject to zone use permissions and regulations.

