

**BACKGROUND PLANNING REPORT  
APPLICATION FOR MINISTER'S ZONING ORDER, and  
APPLICATION FOR CONSENT TO SEVER, together with  
APPLICATION FOR CONVERSION OF 0.3M RESERVES  
JULY 7, 2024**

**Roll Number** 000-113-15100-0000  
**Owner** Ms. Paola Civello Malandrino  
**Civic Address** 120 Lakewoods Drive  
**Legal Description** Generally,  
Part of Lot 23  
Concession 9  
Geographic Township of Whitchurch  
Town of Whitchurch-Stouffville  
Region of York, and  
More Specifically,  
Part 4, Plan 65R-15133  
**Related Description** Parts 3 and 4, Plan 65R-16118 (0.3m Reserves)

**SECTION 1  
EXISTING PROPERTY OVERVIEW**

Mrs. Paola Civello Malandrino owns a parcel of land in the Town of Whitchurch-Stouffville generally described as being Part of Lot 23, Concession 9, Geographic Township of Whitchurch, now in the Town of Whitchurch-Stouffville, Regional Municipality of York, and more specifically described as being All of Part 4, Plan 65R-15133. The property has a civic address of 120 Lakewoods Drive.

The owned parcel above has access restricted to both of the immediately abutting public roads, those being Regional Road 30 (being the York/Durham Line, a major arterial route) along the entire east side of the property and Lakewoods Drive (a local road) along the entire north side of the property. Access to Regional Road 30 is completely blocked by 0.3m reserves (not part of a road allowance) owned by the Region of York which are described as Parts 1 and 2, Plan 65R-16118. Access to local road Lakewood Drive is provided by 9m of direct frontage of the current subject parcel onto Lakewoods Drive sandwiched between two other 0.3m reserves owned by the Town of Whitchurch-Stouffville along most of the remaining frontage on Lakewoods Drive, such Lakewoods reserves being described as Part 3 and 4, Plan 65R-16118.

The subject parcel is comprised of approximately 24,450 sqm (2.45h) of land having approximately 76m of frontage onto the 0.3m reserves along Regional Road 30 and approximately 260m of frontage along the 0.3m reserves abutting Lakewoods Drive. The reserves abutting Lakewoods Drive are proposed to be converted by Resolution or Bylaw passed by Whitchurch-Stouffville Council to become part of the municipal road allowance known as Lakewoods Drive.

The eastern side of the property has an existing single detached dwelling unit, a separate garage, and two small accessory outbuildings located thereon. This side of the property is relatively level

with very gentle grades of less than 5%. It is generally an open area interspersed with a variety of + significant trees. The southern boundary of this side of the property is demarcated with a long and narrow lineal planting of trees. The western side of the existing property has no buildings or structural improvements thereon and can best be described as an open mown cultural meadow for the most part void of any significant vegetation save and except for a planted hedgerow that separates it naturally from the easterly residential side. The southern limit of this side of this open property abuts a natural forest lying primarily to the south.

## **SECTION 2 AREA CHARACTERISTICS**

### **Land Use**

The abutting property to the west is a large estate sized lot developed for residential (single detached dwelling) purposes. The adjacent properties to the northeast (2, across Lakewoods Drive from the Proposed Retained Parcel) are smaller properties used for rural residential purposes. The adjacent property to the northwest directly across Lakewoods Drive from the Proposed Severed Parcel is an estate sized lot which is vacant but which is zoned 'Residential Private Services (RPS)'. In summary, all of the abutting or immediately adjacent properties west, northwest, or northeast are currently in residential use or are zoned (1) for residential use on estate sized lots. The abutting property to the south (of the Proposed Retained Parcel) is in estate residential use while the abutting property to the south of the Proposed severed Parcel is a woodland.

All of the lands to the immediate west and southwest of the subject property are developed for residential (single detached) use on estate sized lots (58) which were lotted by an old formal Plan of Subdivision process and lie north of the Aurora Road. The entire area may generally be characterized as a very low density residential community developed with large high assessment housing units on estate sized lots.

### **Natural Heritage**

A Natural Heritage Assessment of the property was undertaken and forms part of this submission as a separate detailed attachment. The assessment reviewed background information related to the site including the Oak Ridges Moraine Conservation Plan. An on site assessment including a botanical survey was also conducted by two qualified biologists in June, 2023 and documented existing site conditions, existing vegetation communities, and natural features.

The assessment reviewed vegetation communities and flora, wildlife including Species at Risk screening, significant wildlife habitat and screening, and site drainage amongst other matters. No matters of concern were noted, however the lands to the abutting south are considered to constitute a Significant Woodland. As such, recommendations were provided (7 in total) to be imposed through the mandatory use of a 51 (26) agreement as a Condition of Consent to any severance of the western side of the property as detailed in the assessment and as further repeated and referenced later in this report.

Drainage on the site is described as sheet flow over gentle grades generally towards the northwest corner of the parcel. Ditching has been established along Lakewoods Drive on the municipal road allowance. There is no evidence of the existing municipal ditch regularly conveying storm flows.

Nothing unusual on the property was found in the biophysical review, but the presence of a Significant Woodland on part of the abutting property to the south was noted and can be further protected and enhanced on the subject property through the use of Conditions in any future Consent to Sever process on the subject property notwithstanding that no such protection is imposed currently.

### **Hydrological and Servicing Feasibility Assessment**

A review of the hydrogeological and amenity servicing features of the property was undertaken and forms part of this submission as a separate detailed attachment. This assessment reviewed the possible future impacts of the subdivision (by Consent to Sever) of the property roughly in half and the ability of each of the parcels to support private on site sewage systems, private on site well water systems, entrance driveways, and confirm available utilities in the area of the site.

The MOECP D-5-4 Guideline was reviewed and confirmed that one additional proposed residential parcel will not pose any impacts to overall groundwater quality if the lots are 1h or more in area (as proposed). Notwithstanding same, nitrogen attenuation calculations were run and confirmed site suitability for both severed and retained parcels.

Additional assessments were completed with respect to suitability for development of Class 4 or equivalent sewage systems and concluded that the lots would be a manageable size to construct required leaching beds inclusive of mantles while still providing extensive amenity space.

Additionally, nearby existing water well records and hydrogeologic literature were reviewed and confirmed that are aquifers capable of sustaining required flow rates in the overburden and that groundwater resources are plentiful.

With respect to utilities, no gas utility is available within the vicinity of the site, electricity (Hydro One) and telecommunication lines (Bell Canada) are confirmed available.

Site line distances for the existing driveway near the center of the existing parcel were confirmed at a minimum of 160m supporting a road design speed of 90 kph. The speed limit on Lakewoods Drive is 40 kph.

### **SECTION 3 THE PROPOSAL**

The owner proposes to split the existing property roughly in half with the existing residential dwelling unit on the easterly side of the property becoming the Retained Parcel and the vacant open area on the westerly side of the site becoming the Severed Parcel. The currently vacant Severed (westerly) Parcel would after severance be developed with a residential single detached dwelling unit.

The westerly Severed Parcel would be comprised of approximately 11,000 sqm of area, have a lot frontage onto Lakewoods Drive of approximately 125 m\*, a minimum lot depth of approximately 71 m (west side) and 99m (east side), and a rear lot line distance similar to the front line of approximately 125m.

The easterly Retained Parcel would be comprised of approximately 13,450 sqm of area, have a lot frontage onto Lakewoods Drive of approximately 134 m\*, a minimum lot depth of approximately 99 m (west side) and 86 m\* (east side), and a minimum rear lot line distance of 144 m.

Technically, the Severed Parcel would not obtain 'frontage' onto Lakewoods Drive unless and until the Town of Whitchurch-Stouffville converts or releases the 0.3m reserve, being Part 4 Plan 65R-161118 across the entire proposed frontage of the Severed Parcel that the Town currently owns. The proposed Retained Parcel technically has lot frontage currently onto Lakewoods Drive only at the location of the existing driveway for a distance of 9 m located between Parts 3 and 4, Plan 65R-161118. It is also proposed that the 0.3 m reserves fronting the Retained Parcel (being all of Part 3, Plan 65R-161118 and Part of Part 4, Plan 65R-161118) similarly be converted or released by the Town of Whitchurch-Stouffville. It is noted that the Region of York would retain ownership of the 0.3 m reserve (being Parts 1 and 2, Plan 65R-161118) along the eastern side lot line of the Retained Parcel. As such, it is interpreted that lot frontage for both parcels will be defined onto Lakewoods Drive.

By way of background, staff (Planning, Public Works, and Legal) of Whitchurch Stouffville have researched the basis for the original taking of the aforementioned 0.3m reserves and cannot find any basis for same. Staff have also confirmed that there is currently no requirement for maintaining such reserves. It is therefore proposed that the Town of Whitchurch-Stouffville pass a Resolution or a bylaw to confirm all of Parts 3 and 4, Plan 65R-161118 as constituting and being part of the municipal road allowance known as Lakewoods Drive in a manner like that of a road widening. This procedure would avoid any release and conveyance of such Parts back to the owner.

Copies of Reference Plans 65R-15133 and 65R-16118 (reduced scale) are attached to this submission for reference. Copies of sketches prepared by an Ontario Land Surveyor illustrating the proposed Severance Parcel and proposed Retained Parcel are also affixed as part of this submission. The sketches specify the area and dimensions of the proposed parcels. Other sketches are also included illustrating the location of improvements on the existing property, and the location of other features on site including base topography, tree lines, buildings and structures, and individual significant trees.

In order to implement the proposal, relief to the Oak Ridges Morane Conservation Plan and alteration to the Comprehensive Zoning Bylaw of the Town of Whitchurch-Stouffville will be required to be considered and approved by a Minister's Zoning Order, an application for Consent to Sever will have to be considered and approved by the Committee of Adjustment of the Town of Whitchurch-Stouffville, and a conversion or release of two 0.3m reserves would have to be approved by the Council of the Town of Whitchurch-Stouffville. The submissions for each of the aforementioned applications have been assembled jointly to permit a fulsome overview and understanding of the development proposal by each of the affected parties and provide required detail for each of these related matters.



## **SECTION 4**

### **APPLICABLE LAND USE PLANNING DOCUMENTATION**

#### **Provincial Policy Statement 2020**

The Provincial Policy Statement (PPS) is to be read in conjunction with any Provincial Plan but in the event of conflict the provisions of a Provincial Plan take precedence. Any planning authority is required to take into account the provisions of the PPS (page 4, PPS).

The PPS supports efficient development patterns that optimize the use of land, resources and public investment in infrastructure and public service facilities (page 5, PPS). Natural Heritage Resources are to be managed in a sustainable manner to preserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities, and meet long term needs (page 6, PPS). The promotion of efficient development and land use patterns is recognized (1.1.1.a, PPS).

The subject lands are subject to the Rural Area provisions of the PPS. Rural areas are to be supported by building upon rural character and using rural infrastructure and public service facilities efficiently (1.1.4.1. a) and e), PPS). Permitted uses on rural lands include residential development, including lot creation, that is locally appropriate (1.1.5.2.c), PPS) and where the development is compatible with the rural landscape and can be sustained by rural service levels it should be promoted (1.1.5.4, PPS). Individual on site sewage services and individual on site water services may be used provided that site conditions are suitable for the long term provision of such services with no negative impacts (1.6.6.4, PPS).

*The proposed new lot for residential purposes representing residential infill, on an existing assumed local municipal road, with rural services available, in an established rural estate landscape, that meets the MOPECP guidelines for individually serviced lots as confirmed by a further hydrological and servicing feasibility assessment meets the aforementioned provisions of the PPS.*

The PPS also has provisions respecting Natural Heritage Areas and features which require the diversity and connectivity of such features in an area to be maintained, restored, or where possible improved (2.1.1, 2.1.2, PPS).

A thorough and area specific Natural Heritage Evaluation was undertaken which confirmed that 11 Key Natural Heritage Features or Key Hydrologic Features or Landforms as addressed in the Oak Ridges Moraine Conservation Plan (11 in total including wetlands, endangered and threatened species, fish habitat, ANSI's, significant valleylands, significant woodlands, significant wildlife habitat, barrens savannahs and tall grass, kettle lakes, permanent and intermittent streams, seepage areas and springs) are not located on the site. The property is located in a landform conservation area category 2 but there are no pronounced landform features on the subject lands which has very little grade and therefore no impact on the landform. Furthermore, the impact of the proposed lot creation and development on Key Features in the adjacent area were fully evaluated.

*The Natural Heritage Evaluation concluded that the proposed new lot and development thereon would not negatively impact upon any Key Natural Heritage Features or Key Hydrological Features, or Species at Risk or their habitats, or on any Significant Wildlife Habitat, nor would it impact on any*

*landform. As such, the proposed development meets the requirements of the PPS (and the ORMCP) with respect to Natural Heritage matters.*

### **Oak Ridges Moraine Conservation Plan**

The lands subject to this proposal are entirely located within the area affected by the Oak Ridges Moraine Conservation Plan (ORMCP) as enshrined in Ontario Regulation 140/02. It is notable that the mechanism used to establish, approve, and put into effect the Oak Ridges Moraine Conservation Plan does not appear to be consistent with that used to implement certain other Provincial Plans\*.

The subject lands are designated 'Natural Linkage Areas' in the ORMCP (ORMCP, Designation Map). Natural Linkage Areas are 'areas forming part of a central corridor system that support or have the potential to support movement of plants and animals among the Natural Core Areas, Natural Linkage Areas, river valleys and stream corridors' (10. (1) 2, ORMCP). The purpose of Natural Linkage Areas is to maintain, and where possible, improve or restore, the ecological integrity of the Plan Area, and to maintain, and where possible improve or restore, regional scale open space linkages between Natural Core Areas and along river valleys and stream corridors (12. (1), ORMCP). Permitted uses include fish, wildlife, and forest management; conservation projects and flood control; agricultural uses; infrastructure uses; home businesses; home industries; bed and breakfast establishments; on farm diversified uses; low intensity recreational uses; unserviced parks; mineral aggregate operations; wayside pits; agriculture related uses; and accessory uses to the foregoing list ((12. (3), ORMCP). *New residential uses are not recognized as permitted land uses in this designation. As such, a MZO is required to provide exception to such ORMCP (land use) provision.*

The ORMCP requires the protection of key natural heritage features (22.) and (23.), ORMCP). A Significant Woodland is identified abutting part of the southerly boundary of the subject lands in particular abutting the rear lot line of the proposed severed parcel. As such the ORMCP requires a setback of 30m from the drip line of woodland or, in this case from the rear lot line of the severed parcel. The Natural Heritage Evaluation conducted on the site confirmed no other such features on the existing parcel but did reaffirm that part of the Severed Parcel abutted a Significant Woodland. The Natural Heritage Evaluation provided seven recommendations for the maintenance and protection of the Significant Woodland noting that all of these recommendations could be imposed through the imposition of a Section 51 (26) agreement as a formal Condition of the proposed Consent to Sever of that lot. The 51 (26) implementation mechanism is recognized in the ORMCP (32. (4). *Such agreement will provide more protection for the said adjacent woodland than currently exists (pages 10 and 11, Natural Heritage Evaluation, Michalski Neilsen Associates Limited). The recommendations are to be requested and imposed by the Committee of Adjustment in any Decision rendered with respect the proposed Severed Lot as detailed in the severance application. Alternatively, a 30m rear yard setback on the proposed severed parcel could optionally be included as a site regulation in the proposed MZO.*

The ORMCP (31. (2) also provides that no new lots are to be created in a Natural Linkage Area except for very limited purposes which does not include a new residential unit (32. (1), ORMCP). *As such, a MZO is required to provide an exception to such second ORMCP (lot creation) provision.*

*Justification for such zoning exception and lot creation exception is generally provided in the afore noted PPS section of this report.*

### **Official Plan of the Town of Whitchurch-Stouffville Planning Area**

The Official Plan of the Town of Whitchurch-Stouffville Planning Area (WSPAOP) makes the lands subject to the Ballantrae-Musselman Lake and Environs Secondary Plan (Schedule C, WSPAOP) and identifies the lands entirely in the ORM 'Natural Linkages Area' land use designation (Schedule E, WSPAOP).

The lands are identified as being in an area of High Aquifer Vulnerability (Schedule I, WSPAOP); partially in a Landform Conservation Area, Category 2 (Schedule J, WSPAOP); abut a Significant Woodland and fall within the 30m Protection Zone (Schedule H, WSPAOP); fall within a Secondary Aggregate Resource Area (Schedule B-1, WSPAOP); do not fall into a Wellhead Protection or other feature Zone (Schedule K, WSPAOP).

General development servicing in the rural/agricultural/environmental areas of the Town is recognized on individual private sewage and individual private water systems. It is also recognized that the majority of housing will be of the single detached type (1.3.4.i and iv)(11.6.1, 11.6.2). Other general community development objectives include permitting development that does not negatively impact upon agriculture and aggregate production and to support uses compatible with such objectives of the rural/agricultural/environmental area (2.5). *The subject proposal is in general conformity with the referenced general provisions of the Official Plan.*

The Plan states that the Province's vision for the Oak Ridges Moraine is that of a continuous band of green rolling hills that provides form and structure to south-central Ontario while protecting the ecological and hydrological features and functions that support the health and well being of the Region's residents and ecosystems. *The subject proposal will not have any negative impact upon the Provincial vision for the moraine.*

The Plan also reiterates that the Official Plan must be in conformity with the Provincial ORMCP (3.2.1), directly references the land use designations of the ORMCP, and provides for further general policies in the ORM Planning Area (3.2.3). Notable policy for existing uses includes that new accessory uses, buildings and structures related to single dwellings may be permitted in accordance with the provisions of the Zoning Bylaw and provided that the use, building or structure does not intrude into an area identified as an ANSI, Kettle Lake, Wetland, Woodland, Stream or Minimum Vegetation Protection Zone on Schedule H (3.2.4 ii). *As provided in such OP policy and as currently zoned, a substantial amount of area of the subject existing property (including the the area comprising the proposed vacant section to be severed) could be used for accessory buildings and structures to the existing residential use. The proposed severed parcel having a lot depth of 71 to 99 m provides ample area (approximately 2/3 of the proposed severed lot or 7,000 sqm) for the establishment of a new primary residence and accessory buildings and uses thereto outside of the Woodland dripline edge and in accordance with the ORMCP (Part 3 Table, Item 7) and the Official Plan (Table 3.1, Item 7). Furthermore, the Natural Heritage Evaluation confirmed that there are no pronounced landform features within the proposed severed parcel, which has very gentle grade, and therefore there is no concern that development would impact on landform (page 10, MNA Report) and meets the requirements of the Official Plan with respect to same (3.2.9 vi).*

As previously noted, the subject lands are located within the ORM Natural Linkages Area designation of the Official Plan (4.12). Having to be in conformity with the Provincial ORMCP, new residential dwelling units (other than existing units) are not recognized as permitted (4.12.2)(11.4.16.2). The statement of purpose of the designation includes protecting the movement of plants and animals in the Linkage and Natural Core designations and to improving and restoring regional-scale open space linkages (4.12.1)(11.4.16.1). *In this regard, it is notable that the lands to the abutting west, adjacent north east, east, and adjacent south east of the subject proposal are developed for rural residential or estate purposes and the lands directly across from the proposed severed parcel (although not yet developed) are designated, zoned, and zoned for an estate residential use. On this basis alone, the 'paper' of the plans (OP and ORMCP) do not create a linkage corridor and, more importantly, in 'reality' the establishment of a new lot as proposed for an estate residential use will have no negative impact on the movement of plants and animals through the property, the immediate area, or the regional area and therefore does not negatively impact the purpose of the designation. Materials in support of this position are found in the archives of the MNR for movement of ungulates (white tailed deer) and if such protections were warranted on a site or area specific basis, then other provisions enhancing movement would have been required to be implemented. Since they have not been or even mentioned, the matter is mute.*

Also related are the provisions of the Official Plan that repeat that new lots in the Oak Ridges Moraine Area can only be permitted in accordance with the applicable provisions of the ORMCP. The Linkages designation does not permit same (8.5.5).

The Official Plan identifies the area of the proposal as being subject to the Ballantrae-Musselman Lake Secondary Plan (4.16.2) with stated purposes to include the conservation and enhancement of existing natural systems and features and to ensure new development occurs in a manner that minimizes any negative impacts on natural systems and features (11.1 i, ii)(11.3.3. iii). The Plan recognizes limited infilling on private services in certain designations other than the Oak Ridges Moraine – Linkages designation which is prohibited because of the ORMCP. Notwithstanding same, it is submitted that the exclusion of limited infilling in the Linkages designation is in appropriate in circumstances such as this where;

1. The application represents *typical* limited and minor infilling. In this regard the development represents and will become part of an existing efficient development pattern (surrounding rural estate residential subdivision and independent lots) that optimizes the use of land, resources and public infrastructure and public facilities (existing municipal built road; existing utilities; existing refuse pick up; existing mail; existing communications; etc). Furthermore, the the development builds upon (actually within) the existing rural residential character of the immediate and abutting area,
2. The application maintains the general intent and purpose of the policy plans (ORMCP, PPS, OP) and more specifically represents a permitted use in the rural area as defined in the PPS (meaning a new residential use on a new lot that is locally appropriate),
3. The application maintains and would have no impact upon the more specific intent of the land use designation in which it is located, in this case the ORM-L designation, to not restrict the movement of plants or animals through the property, the area, or the region,
4. The development proposed would have no impact upon identified natural heritage or other resources or features nor will essential ecological processes or biodiversity be impacted (as detailed in the Natural Heritage Evaluation),

5. The property has the ability to legally support and develop extensive buildings and structures as of right (private sewer, private water, and large accessory buildings and structures),
6. No legal restriction exists to prohibit the structures or facilities that would inhibit the movement of plants and animals (eg fences), and
7. The necessary and normal infrastructure to support the development exists (eg road and utilities).

### **Comprehensive Zoning Bylaw 2010-001-ZO**

The Comprehensive Zoning Bylaw of the Town of Whitchurch Stouffville zones the entire existing subject property into an 'Oak Ridges Moraine Linkage (ORM-L) Zone' on Schedule 22 of the said bylaw.

The ORM-L Zone permits a variety of agricultural uses and use related thereto as well as bed and breakfast establishments, home occupation, and home industry amongst other similar uses but does not recognize residential uses unless existing or new single household dwelling units (Section 4.1, CZB). Additionally, it is noted that the base minimum lot size in the said zone is 10h. As such, the subject proposed single detached residential use on a 1 hectare lot (for both the Severed and Retained) is not permitted.

*An amendment by way of a MZO is therefore required to permit a new residential use on a lot having a minimum area of 1 hectare. The Town is prohibited from processing an independent rezoning application. Such alteration can only be made by a MZO.*

The existing ORM-L Zone recognizes existing residential buildings and structures on lands zoned ORM-L (3.18.4.i) and permits new accessory uses, buildings, and structures related to single detached dwellings to a maximum of 5% of the lot area limited to a GFA of 200 sqm (3.18.4.i) including a home occupation use subject to no impact upon a Key Natural Heritage Feature, Hydrological Feature, or minimum required Vegetation Zone specified in the ORMCP being confirmed. The aforementioned Natural Heritage Assessment has addressed all of those matters.

*As such, a substantial accessory building or structure could be located upon the vacant westerly portion of the existing lot as of right whether or not the existing garage was removed. Such accessory building or structure could include a separate private well and separate private sewage system to provide such utility if desired in the accessory building or structure. Although this is not proposed, the reality is that the vacant westerly part of the site could be developed as of right with accessory buildings and structures including separate private servicing works.*

It is noteworthy that the lands to the abutting and adjacent north, west, and southwest of the subject parcel are all currently zoned into a Residential Private Service Zone (RPS) Zone and developed and used for estate residential purposes.

*It is proposed that a MZO rezone the subject lands (severed and retained both) from the current 'Oak Ridges Moraine Linkage (ORM-L) Zone' into a 'Residential Private Services Zone (RPS) Zone'. No exceptions are required to the base RPS Zone regulations in Bylaw 2010-001-ZO (if the Town makes the 0.3m reserves part of the Lakewoods Drive Road allowance, otherwise an exception for*



(9m) lot frontage would be required for the Retained Parcel and the Severed Parcel would have to be created subject to Section 50 (12) of the Planning Act).

*Based upon the analysis in the Natural Heritage Evaluation, the existing land use and lotting pattern in the vicinity, and based upon anecdotal experience, it appears that the zoning on the subject parcel should have originally reflected that on the abutting and adjacent lands ..... that being 'Residential Private Services (RPS)' as there is no valid justification for the current Oak Ridges Moraine Linkage (ORM-L) Zone for this property.*

## **The Planning Act**

The Planning Act (Section 53 (1) permits an owner to apply for and the authority having jurisdiction (in this case the Committee of Adjustment of the Town of Whitchurch-Stouffville) to give a Consent if the authority is satisfied that a Plan of Subdivision is not necessary for the proper and orderly development of the municipality.

*The splitting of the existing lot having an existing residence on one side of it roughly in half to create one additional parcel of an equivalent size for one additional residence in the existing circumstances does not require the need for a plan of subdivision. Specifically those circumstances include that no new road is required to be planned, designed, or constructed to support the proposed development as Lakewoods Drive is a road already owned and assumed by the municipality and it has the capacity to accommodate any additional traffic generated by a new additional residential use and no geometric improvements would be required to the road except a driveway; all utilities necessary to support the new residential use (hydro, communications, etc) are immediately available to the proposed Severed Parcel; no new private or public storm water management works will be required to accommodate the proposal and the impact on existing swales and ditches is minimal, if any; a Natural Heritage Assessment has been completed by a qualified biologist with no negative impacts identified; and a Hydrological and Servicing Feasibility Assessment has also been completed confirming the suitability of the proposal. Additionally the Consent sketches illustrating and dimensioning the lands, detailing improvements thereon, and referencing topographic and vegetative features have also been completed by an OLS and forms part of the submission. A Plan of Subdivision is not therefore required.*

Section 51 (24) of the Planning Act provides a checklist of matters to have regard to in considering a Plan of Subdivision or a Consent to Sever. The checklist identifies several matters to be 'considered' and 'had regard to' in evaluating a division of land. In this case;

1. A new lot (severed parcel) would be created to accommodate a future new residential dwelling unit and the existing lot (retained parcel) having an existing residence on it would be reduced in size,
2. The new severed lot and the retained lot both exceed the recommended minimum size (1h) for estate residential lots in MOECP guidelines necessary to avoid nitrate cross contamination issues as further verified in a separate Hydrological and Servicing Feasibility Assessment,
3. The new use proposed on the new severed lot and existing use on the retained lot are both in character with existing land use in the area, that being estate residential use,
4. The new severed lot and the retained lot are both in character with the existing lot sizes, shapes, and dimensions of abutting lots in the adjacent area north, west, and south of the site,



5. The new severed lot and the retained lot both front upon an existing developed, maintained, and assumed public road capable of handling any increase in traffic; with access entrance sightlines exceeding municipal requirements; and built to the full required municipal standard,
6. Rural utilities and services (hydro, communications, etc.) are readily available to the proposed severed vacant lot,
7. The proposed severed lot lies between two existing estate residential dwelling units distanced from each other in such a manner that the new severed lot and future dwelling thereon would reflect the spatial separation distances of those existing residential units as well as others in the immediate vicinity establishing the case that the proposed severance constitutes an 'infilling' application. Infilling of this type is generally recognized as good, acceptable, and typical development in most official plan policy in Ontario (general infilling policy is not defined, referenced, or otherwise mentioned in the ORMCP except as specifically within the Countryside Area designation (15, ORMCP),
8. There are no hydrologic or natural heritage resources on the subject lands, or river valleys, stream corridors or regional-scale open space linkages that would be impacted by the proposed infill,
9. Although the text and schedule to the ORMCP do not permit the residential use or new lot creation of the property in the Natural Linkage Area designation, it appears that such designation is incorrect or inappropriate for this property and the area in which it is situated.

Based upon the above and other details previously noted in this report;

- a) There are no matters of Provincial Interest that are negatively impacted by the proposed division of land as referenced in Section 2 of the Planning Act or as provided for the ORMCP or OP. Rather, the proposed development is in keeping with the provincial guidelines for rural development as laid out in the PPS (as detailed previously herein).
- b) The proposed division of land is not premature as the relevant studies and analyses have been undertaken and assessed. The development is in concert with the PPS guideline for rural development and therefore is in the public interest.
- c) The proposed development does not conform with the relevant official plan being in this case the ORMCP but will conform thereto upon approval of the requested MZO (as justified in this report). The proposed division of land is clearly in character with the abutting and adjacent plans of subdivision as well as other independent lots in the vicinity.
- d) The land is suitable for the limited residential use proposed as detailed and supported in this report, the Natural Heritage Evaluation, and the Hydrological and Servicing Feasibility report.
- e) The public highway system in the area and fronting the proposed lot exists, is publicly owned, and is adequate to support the proposed development in all measures. No improvements to same are required.
- f) The dimension and shape of the lots (severed and retained) are appropriate for the private services constructed or to be constructed thereon, meet MOECP size guidelines, and are reflective of other estate residential lots in the vicinity.
- g) The restrictions on the property have been previously detailed in this report and relief to same as specified is required in order for the division of land to be completed.
- h) Natural resources will not be impacted by the division of land nor will there be any impact on flood control matters as referenced in this report and the Natural Heritage Evaluation.
- i) Utilities and rural services are already provided along Lakewoods Drive and are adequate to support the development.

- j) There is no school in the vicinity however the bus routes already traverse Lakewoods Drive to service the existing residential units in the area.
- k) No land is proposed to be dedicated for public purposes. Prior contact with the Conservation Authority confirmed no interest in any property acquisition to secure any natural linkage area. Cash in lieu of parkland is proposed.
- l) A singular new lot for new development is proposed so the only energy saving can best be achieved in the building design and construction phase.
- m) Site Plan Control is not applicable to this type of property.

In accordance with the provisions of Section 25 of the Planning Act, in addition to the normal Conditions imposed by the Committee of Adjustment, the following additional Conditions are proposed and requested to be imposed as recommended in the Natural Heritage Evaluation and implemented in a Section 51 (26) agreement on the Severd Parcel;

1. All buildings are to be sited a minimum 7.5m from the dripline edge of the woodland occurring along the south boundary with an allowance for regrading within the first 2.5m of that setback (eg to a distance of 5.0m from the dripline of the woodland). Grading in association with the sewage disposal system is to maintain a minimum 5.0m setback from the woodland;
2. The hedgerow along the east boundary of the severed parcel is also to be protected with a 2.5m grading setback from the hedgerow;
3. Tree removals are to be limited to the small number of young planted successional trees within the eastern portion of the severed parcel with such removals to occur outside the period of April 1 to September 30 of any year in order to protect against potential harm to nesting birds;
4. Existing grades shall generally be maintained in order to minimize earthworks and site disturbance;
5. Sediment and erosion controls shall be properly installed around all areas of intended earthworks with such controls to be inspected weekly and repairs to same made immediately until such time as the earthworks are completed and all disturbed areas have been graded out and stabilized;
6. Roof leaders from the new residence and any accessory structures are to grade to soakaway pits where feasible or alternatively to rock fans to disperse runoff;
7. Drainage from hard surfaces (parking lots, driveways, patios, etc) is to be broadly dispersed and where possible permeable surfaces are to be encouraged for use.

With above noted Conditions imposed, the usual and normal impacts from site development will be minimized.

## **SECTION 5 PROCESSING**

The development proposal has been pre consulted with staff of the Town of Whitchurch-Stouffville.

Although the applications (conversion/conveyance of 0.3m reserves; MZO; Consent to Sever) will be submitted concurrently, It is recommended that the Town of Whitchurch-Stouffville approve

the conversion of the 0.3m reserves being Parts 3 and 4, Plan 65R-16118 to become part of the road allowance of Lakewoods Drive (or alternatively the conveyance of those parts back to the Owner) followed by concurrent consideration by the Minister respecting the MZO and the Committee of Adjustment respecting consideration of the Consent to Sever. This procedure is desirable and necessary since the non conversion (or conveyance) of the reserves would defeat/roadblock the other two processes. Since Whitchurch-Stouffville staff have indicated no reasoning or concerns with respect to the conversion (or conveyance) of the 0.3m reserves and since there is no downside or concern related to same or dependence upon the MZO or Consent, it is reasonable that that matter be dealt with first in accordance with any required procedure required by the Town.

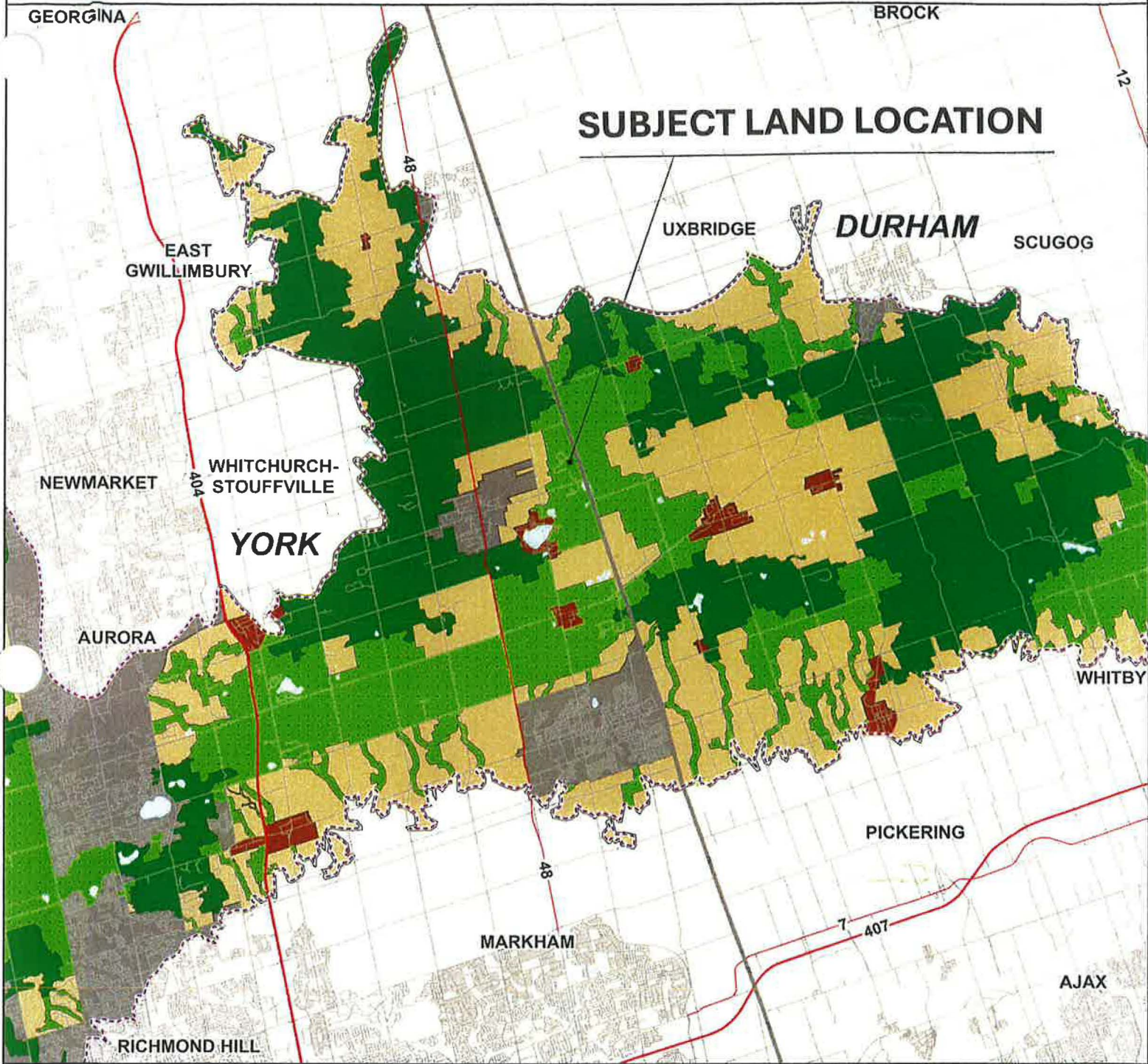
## **SECTION 6 CONCLUSION**

Based upon the aforementioned planning review and reasons detailed in this report as well as supporting documentation in the form of a Natural Heritage Evaluation and a further Hydrogeological and Amenity Feasibility Assessment, it is the opinion of the undersigned that the applications to the Province of Ontario and the Municipality of Whitchurch-Stouffville represent thorough, good, typical, and normal planning and therefore should be considered favourably for processing and approval.

Robert List  
Planner  
List Planning Ltd.  
[bob@listplanning.ca](mailto:bob@listplanning.ca)  
1 705 645 7096



# Oak Ridges Moraine Conservation Plan Land Use Designation Map



**Map 4**  
Towns of East Gwillimbury & Whitchurch-Stouffville, City of Markham



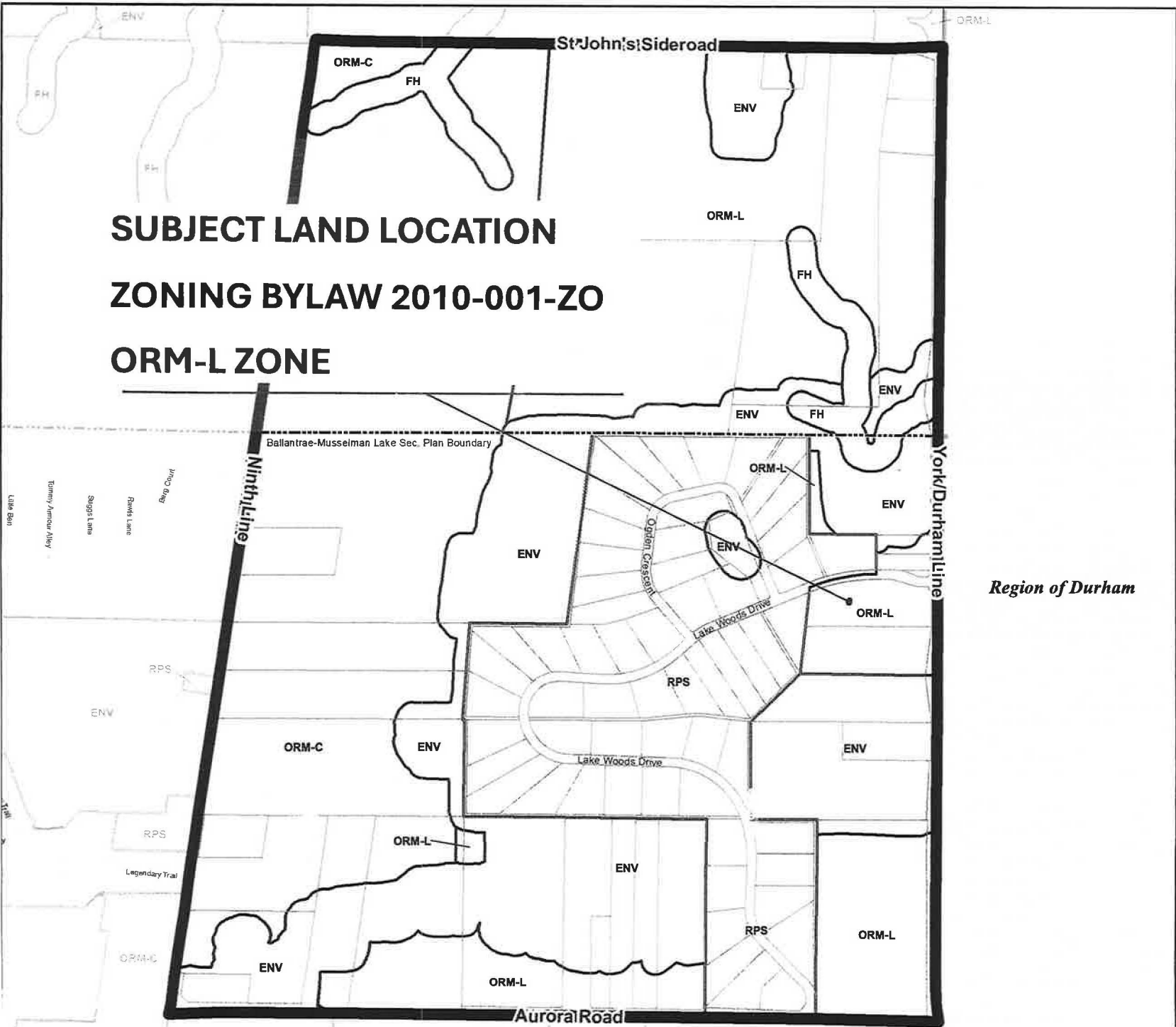
## Legend

- Oak Ridges Moraine Conservation Plan Area
- Boundary of Oak Ridges Moraine Conservation Plan Area  
Ontario Regulation 140/02
- Boundary of Oak Ridges Moraine Area  
Ontario Regulation 01/02

The information displayed on this map has been compiled from various sources. While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads nor as a guide to navigation.

Generally reflects information provided by the relevant municipality. For precise boundaries and locations of Settlement Areas (ORM

# SUBJECT LAND LOCATION ZONING BYLAW 2010-001-ZO ORM-L ZONE



2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	32	33	34	35	36
37	38	39	40	41	42	
43	44	45	46	47	48	49
50	51	52	53	54	55	56
57						

## ZONE DESCRIPTION

- Section 4**  
 AG - Agricultural  
 ENV - Environmental  
 FH - Flood Hazard  
 ORM-C - Oak Ridges Moraine Countryside  
 ORM-L - Oak Ridges Moraine Linkage  
 ORM-NC - Oak Ridges Moraine Natural Core
- Section 5**  
 RPS - Residential Private Services  
 RV - Residential Village  
 R1 - Residential 1  
 R2 - Residential 2  
 R3 - Residential 3  
 R4 - Residential 4  
 RM1 - Residential Multiple 1  
 RM2 - Residential Multiple 2
- Section 5A**  
 RN1 - New Residential 1  
 RN2 - New Residential 2  
 RN3 - New Residential 3  
 RN4 - New Residential 4  
 RN5 - New Residential 5
- Section 6**  
 CM1 - Downtown Mixed Commercial  
 CM2 - Western Approach Mixed Commercial  
 CMB - Commercial Residential Mixed - Ballantrae  
 CG - General Commercial  
 CL - Local Commercial  
 CV - Village Commercial  
 CR - Recreational Commercial
- Section 7**  
 EBP/EBP-G - Employment Business Park / - Gormley  
 EH/EH-G - Employment Heavy / - Gormley  
 EL/EL-G - Employment Light / - Gormley  
 ED - Employment Disposal  
 EX - Employment Extraction
- Section 8**  
 I - Institutional  
 OS - Open Space  
 D - Development Reserve
- Section 2**  
 h - Holding Symbol  
 f - Flood Vulnerable  
 t - Temporary Use  
 w - Water Restriction  
 WDA - Waste Disposal Area

Region of Durham

0 50 100 200 300 400 m

Town of Whitchurch-Stouffville  
 Zoning By-law 2010-001-ZO  
 Revised: January 2019



## Section 4

### Rural and Environmental Zones

No person shall, within any Agricultural (AG), Environmental (ENV), Flood Hazard (FH), Oak Ridges Moraine - Countryside (ORM-C), Oak Ridges Moraine - Linkage (ORM-L), or Oak Ridges Moraine - Natural Core (ORM-NC) Zone, use any land, or erect, alter or use any building or structure, except in accordance with the following:

#### 4.1 Permitted Uses, Buildings and Structures

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 Farm Dwelling Unit	✓(5)	✓(5)				✓(5)	✓(5)	✓(5)
Accessory uses, buildings and structures	✓	✓	✓(4)			✓(14)	✓(14)	✓(14)
Agricultural uses, buildings and structures	✓(9)	✓(9)	✓(1)(4)		✓(1)(9)	✓(1)	✓(1)	✓(1)
Agricultural uses, no buildings or structures	✓	✓	✓(4)		✓(1)	✓	✓	✓
Bed and Breakfast Establishment	✓(8)	✓(8)	✓(7)(8)			✓(7)(8)	✓(7)(8)	✓(7)(8)
Cannabis, Indoor Cultivation (15)(16)(17)(21)								
Cannabis, Outdoor Cultivation (15)(16)(17)(20)(21)								
Cannabis Processing (15)(16)(17)(18)(19)(21)								
Farm Produce Sales Outlet	✓(10)	✓(10)				✓(10)	✓(10)	✓(10)
Farm Vacation Home	✓	✓	✓(7)			✓(7)	✓(7)	✓(7)
Fish, Wildlife, Forestry Management		✓	✓	✓		✓	✓	✓
Group Home	✓(3)	✓(3)	✓(3)(7)			✓(3)(7)	✓(3)(7)	✓(3)(7)
Home Industry	✓(12)	✓(12)	✓(12)			✓(12)	✓(12)	✓(12)
Home Occupation	✓(13)	✓(13)	✓(13)			✓(13)	✓(13)	✓(13)
Low Intensity Recreation uses				✓		✓	✓	✓
Park				✓				



Plant Nursery	✓(1)	✓(1)				✓(1)	✓(1)	✓(1)
Private Home Daycare	✓	✓	✓(7)			✓(7)	✓(7)	✓(7)
Single Detached Dwelling	✓	✓	✓(4)			✓(4)	✓(4)	✓(4)
Unserviced Park					✓(6)	✓	✓	✓

**(2011-115-ZO) (2013-111-ZO) (2020-059-ZO)**

4.1.1 Qualifying Notes to Permitted Uses

- (1) No agricultural use, building or structure, including a plant nursery, shall be permitted on any lot less than 0.8 ha in area or on any lot within a registered plan of subdivision or on a lot or taking access from a road in a registered plan of subdivision.  
**(2011-152-ZO)**
- (2) NOT IN USE **(2013-111-ZO)**
- (3) No group home shall be located within 800 m of another group home.
- (4) The indicated uses are permitted subject to Sections 3.18, 3.19 and 3.20.
- (5) Accessory farm dwellings shall, subject to Section 3.5, be permitted, provided that they do not negatively impact the ecological integrity of the area.
- (6)
  - i) Permitted Uses  
No building or structure shall be erected, nor shall any existing building or structure be modified or changed, nor shall the placing or removal of fill be permitted in any area zoned Flood Hazard (FH) except where such building, structure or fill is used for purposes of flood or erosion control.
  - ii) Land Partially Zoned  
Where land under one ownership is only partially zoned Flood Hazard (FH), the part of such land that is so zoned may be used in the calculation of the minimum lot area and lot frontage requirements for another zone on that land.
- (7) The indicated uses are permitted only in single detached dwellings permitted by Sections 3.18, 3.19 and 3.20 of this By-law.  
**(2013-111-ZO)**
- (8)
  - i) The owner of a bed and breakfast establishment must establish to the satisfaction of the Town the adequacy of water and wastewater services.
  - ii) Every bed and breakfast establishment must provide a minimum of 37 m<sup>2</sup> of outdoor amenity space, which may

consist of landscaped area, patio, verandah, porch, pool, or any combination thereof. **(2013-111-ZO)**

- (9) The indicated uses are permitted subject to obtaining a permit from the Conservation Authority having jurisdiction.
- (10) The maximum size of a farm produce sales outlet shall be 100 m<sup>2</sup> and is subject to a minimum lot area of 25 ha. A maximum of 25% of the sales area of a farm produce sales outlet may be devoted to the sale of produce and food products produced off the farm.
- (11) ENV and FH Zones in Stouffville and Ballantrae – Musselman’s Lake are subject to Section 3.20.3 of this By-law.
- (12) Home industries are subject to the regulations in Section 3.26. **(2011-115-ZO)**
- (13) Home occupations are subject to the regulations in Section 3.27. **(2011-115-ZO)**
- (14) The maximum lot coverage of all accessory buildings shall not exceed 5% of the lot area, to a maximum gross floor area of 200m<sup>2</sup> **(2016-143-ZO)**
- (15) **(2022-099-ZO)**
  - i) Retail as accessory to cannabis indoor cultivation, cannabis outdoor cultivation, or cannabis processing shall be prohibited.
  - ii) Cannabis cultivation shall not be permitted on any lot containing a dwelling unit.
  - iii) Indoor cannabis cultivation and outdoor cannabis cultivation shall not be permitted on a lot with a lot area less than 0.8 ha.
- (16) This use shall not be permitted within 1000.0 m of the following uses, as measured from the nearest lot line **(2022-099-ZO)**:
  - i) Any Traditional Residential Zone
  - ii) Day Care Centre
  - iii) Group Home
  - iv) Hospital
  - v) Library
  - vi) Long Term Care Facility
  - vii) Low intensity Recreational Uses
  - viii) Park
  - ix) Place of Worship
  - x) Private Home Daycare
  - xi) Private Park
  - xii) School
  - xiii) Senior Citizens Home; and
  - xiv) Unserviced Park

- (17) This use shall not be permitted within 1000.0 m from the nearest lot line of any New Residential Zone **((2022-099-ZO))**
- (18) In no case shall this use be located closer than 1000.0 m from another Indoor Cannabis Cultivation, Outdoor Cannabis Cultivation, or Cannabis Processing use, as measured between the nearest lot lines. **(2022-099-ZO)**
- (19) This use shall only be permitted as accessory to Indoor Cannabis Cultivation and Outdoor Cannabis Cultivation. **(2022-099-ZO)**
- (20) A maximum of one accessory building that is required to support outdoor cultivation uses for the packing, labelling, storage, sampling, disposing, and testing for pesticides shall be permitted. Accessory buildings shall be subject to Section 3.6 of this by-law. **(2022-099-ZO)**
- (21) Outdoor Storage shall be prohibited as accessory to cannabis cultivation and processing uses

## 4.2 Regulations

ZONE	Minimum Lot Area	Minimum Lot Frontage	Minimum Front Yard	Minimum Exterior Side Yard	Minimum Interior Side Yard	Minimum Rear Yard	Maximum Lot Coverage	Maximum Building Height
AG (1)(2)	10 ha	100 m	15 m	15 m	15 m	15 m	2 ha or less -10% more than 2 ha - 5%	12 m
ORM – C (2)	10 ha	100 m	15 m	15 m	15 m	15 m	2 ha or less – 10% more than 2 ha – 5%	12 m
ORM – L (2)	10 ha	100 m	15 m	15 m	15 m	15 m	2 ha or less – 10% more than 2 ha – 5%	12 m
ORM-NC (2)	10 ha	100 m	15 m	15 m	15 m	15 m	2 ha or less – 10% more than 2 ha – 5%	12 m
ENV (1) (2)	N/A	N/A	15 m	15 m	15 m	15 m	2 ha or less – 10% more than 2 ha – 5%	12 m
FH (2)	N/A	N/A	15 m	15 m	15 m	15 m	2 ha or less – 10% more than 2 ha – 5%	12 m

### (2011-115-ZO) (2020-059-ZO)

#### 4.2.1 Qualifying Notes to Regulations

- (1) In an AG (Agricultural) Zone and ENV Zones outside the Oak Ridges Moraine Conservation Plan Area, the following regulations shall apply to single detached dwellings on lots less than 2 ha:
  - i) Minimum Interior Side Yard shall be 4.5 m  
Minimum Exterior Side Yard shall be 4.5 m  
Minimum Rear Yard shall be 15 m
  - ii) Maximum building height for a dwelling shall be 11 m
  - iii) A dwelling legally existing prior to the passage of this by-law, and/or an accessory building, shall be permitted to expand, provided that the dwelling or accessory building, as enlarged, complies with all other provisions of this By-law that are applicable to the zone in which it is located.
  - iv) Accessory uses, buildings and structures shall be permitted to expand, provided that the maximum lot coverage of all accessory buildings or structures shall not exceed 5% of the lot area.



## Section 5

### Traditional Residential Zones

No person shall, within any Residential Private Services (RPS), Residential Village (RV), Residential One (R1), Residential Two (R2), Residential Three (R3), Residential Four (R4), Residential Multiple One (RM1), or Residential Multiple Two (RM2) Zone, use any land, or erect, alter or use any building or structure, except in accordance with the following:

#### 5.1 Permitted Uses, Buildings and Structures

Uses, Buildings and Structures	RPS	RV	R1	R2	R3	R4	RM1	RM2
Single Detached Dwelling	✓	✓	✓	✓	✓	✓		
Semi-Detached Dwelling					✓	✓		
Duplex Dwelling					✓	✓		
Street Townhouse Dwelling						✓	✓	
Townhouse Dwelling						✓	✓	
Stacked Townhouse Dwelling								✓
Apartment Building							✓	✓
Long Term Care Facility							✓	✓
Senior Citizens' Home							✓	✓
Accessory Uses, Buildings and Structures	✓	✓	✓	✓	✓	✓	✓	✓
Bed and Breakfast Establishment	✓(2)	✓(2)	✓(2)	✓(2)	✓(2)	✓(2)		
Group Home	✓(1)	✓(1)	✓(1)	✓(1)	✓(1)	✓(1)		
Home Occupation	✓(3)	✓(3)	✓(3)	✓(3)	✓(3)	✓(3)		
Private Home Daycare	✓	✓	✓	✓	✓	✓		
Park	✓	✓	✓	✓	✓	✓	✓	✓

**(2011-115-ZO) (2013-112-ZO)**

### 5.1.1

#### Qualifying Notes to Permitted Uses

- (1) No group home shall be located within 800 m of another group home.
- (2)
  - i) Bed and breakfast establishments are permitted only in single detached dwellings
  - ii) The owner of a bed and breakfast establishment must establish to the satisfaction of the Town the adequacy of water and wastewater services
  - iii) Every bed and breakfast establishment must provide a minimum of 37 m<sup>2</sup> of outdoor amenity space, which may consist of landscaped area, patio, verandah, porch, pool, or any combination thereof
- (3) Home occupations are subject to the regulations in Section 3.27. **(2011-115-ZO)**



## 5.2

## Regulations

Zone	Minimum Lot Area	Minimum Lot Frontage	Minimum Front Yard	Minimum Exterior Side Yard	Minimum Interior Side Yard	Minimum Yard Between Buildings	Minimum Rear Yard	Maximum Lot Coverage	Maximum Building Height	Minimum Outdoor Amenity Area
<b>RPS</b>	0.8 ha	45 m	12 m	12 m	6 m		12 m	15%	11 m	
<b>RV (3)(4)</b>	0.5 ha	35 m	10 m	4.5 m	3.5 m		12 m	15%	11 m	
<b>R1 (3)(4)</b>	555 m <sup>2</sup>	18 m	Max - 9.5 m Min - 7.5 m	4 m (to front of garage 6 m)	1.5 m		7.5 m	up to 5 m in height 42%; over 5 m in height 35%	10 m	
<b>R2 (3)(4)</b>	370 m <sup>2</sup>	12 m	Max - 9.5 m Min - 7.5 m	4 m (to front of garage 6 m)	1.5 m		7.5 m	up to 5 m in height 42%; over 5 m in height 35%	10 m	
<b>R3 (3)(4) Detached, Semi-Detached &amp; Duplex Dwelling</b>	370 m <sup>2</sup>	12 m	Max - 9.5 m Min - 7.5 m	4 m (to front of garage 6 m)	1.5 m (semi-detached 0 m along common wall)		7.5 m	up to 5 m in height 42%; over 5 m in height 35%	10 m	
<b>R4 (3)(4) Detached &amp; Semi-Detached Dwelling</b>	200 m <sup>2</sup>	6 m	Max - 9.5 m Min - 7.5 m	4 m (to front of garage 6 m)	1.5 m (semi-detached 0 m along common wall)		7.5 m	up to 5 m in height 42%; over 5 m in height 35%	10 m	
<b>R4 (3)(4) Duplex</b>	222 m <sup>2</sup>	6 m	Max - 9.5 m Min - 7.5 m	4 m (to front of garage 6 m)	1.5 m		7.5 m	up to 5 m in height 42%; over 5 m in height 35%	10 m	
<b>R4 Street Townhouse Dwelling</b>	222 m <sup>2</sup> per dwelling unit (2)	6 m per dwelling unit	4.5 m (to front of garage 6 m)	4 m (to front of garage 6 m)	1.2 m (street townhouse 0 m along common wall)		7.5 m		10 m	
<b>R4 Townhouse Dwellings</b>	200 m <sup>2</sup> per dwelling unit	6 m per dwelling unit	4.5 m (to front of garage 6 m)	4.5 m (to front of garage 6 m)	0 m	3 m	7.5 m		10 m	
<b>RM1 Apartment Buildings</b>	222 m <sup>2</sup> (2)	20 m	4.5 m (to front of garage 6 m)	4.5 m (to front of garage 6 m)		6 m	6 m		12 m	10 m <sup>2</sup> per dwelling unit
<b>RM1 Long Term Care Facility &amp; Senior Citizens' Home</b>	400 m <sup>2</sup>	20 m	6 m	6 m	6 m		6 m		12 m	
<b>RM1 Street Townhouse Dwellings</b>	222 m <sup>2</sup> per dwelling unit (2)	6 m per dwelling unit	4.5 m (to front of garage 6 m)	4.5 m (to front of garage 6 m)	1.2 m (street townhouse 0 m along common wall)		6 m		10 m	
<b>RM1 All other Permitted Uses, Buildings &amp; Structures</b>	222 m <sup>2</sup> per dwelling unit (2)	6 m per dwelling unit	Max - 9 m Min - 7.5 m	4.5 m (to front of garage 6 m)	1.2 m (for townhouse 0 m along common wall)		7.5 m		12 m	
<b>RM2 Apartment Buildings</b>	0.3 ha	20 m	6 m	6 m	6 m		6 m	35%	20 m	(1)
<b>RM2 Stacked Townhouse Dwelling</b>	145 m <sup>2</sup> per dwelling unit	6 m per dwelling unit	Max - 7.5 m Min - 3 m	Max - 7.5 m Min - 3 m	0 m	3 m	6 m		12 m	

**(2011-116-ZO) (2013-112-ZO) (2016-143-ZO)**

### 5.2.1 Qualifying Notes to Regulations

- (1) Minimum indoor amenity area for all apartment buildings in RM2 Zones with 18 dwelling units or more shall be 2 m<sup>2</sup> per dwelling unit. **(2013-112-ZO)**
- (2) Minimum density shall be 20 units per net ha.
- (3) On a lot with an interior side yard less than 3.5m, the maximum building length of any single detached dwelling, duplex dwelling, or semi-detached dwelling shall be 17 m, measured from main front wall to main rear wall.**(2016-144-ZO)**
- (4) Notwithstanding Qualifying Note (3) to Section 5.2.1, on a lot with an interior side yard less than 3.5m and a lot depth greater than 35 m, the maximum building length may exceed 17 m, to a maximum of 19 m. Additional building length between 17 m and 19 m shall be calculated on the basis of a ratio of 1 m of additional building length for each additional 5 m of lot depth. **(2016-144-ZO)**

### 5.3 Special Regulations

5.3.1 NOT IN USE **(2011-094-ZO) (2016-144-ZO)**

5.3.2 NOT IN USE **(2016-144-ZO)**

5.3.3 An accessory building shall not exceed 5% of the lot area except for a private detached garage. **(2011-094-ZO)**

### 5.4 Exceptions

5.4.1 Exceptions to the RPS Zone

5.4.1.1 RPS(1) Part Lots 21, 22 and 23, Concession 8, Ballantrae, Schedule 21  
Notwithstanding any provision of this By-law, 2002-121-ZO, 2003-035-ZO, 2003-167-ZO, 2004-070-ZO, 2005-058-ZO and 2008-070-ZO shall remain applicable to the subject lands.

5.4.1.2 RPS(2) Emerald Hills, Lot 14 Concession 5, Schedule 31  
Notwithstanding any provision of this By-law, 2003-073-ZO, 2005-162-ZO, 2007-176-ZO and 2007-225-ZO shall remain applicable to the subject lands.

5.4.1.3 RPS(3) 11 Union Street, Schedule 50

1. Permitted Uses

A Day Care Centre is an additional permitted use.