

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: December 24, 2018

CASE NO(S): PL171442

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Sorbara Group of Companies
Subject: Proposed Plan of Subdivision - Failure of the Township of Centre Wellington to make a decision

Purpose: To permit the creation of a range of housing units (1083 - 1178) comprising a variety of residential and commercial/mixed use

Property Address/Description: Part Lots 18, 19 & 20, Concession 14
Municipality: Township of Centre Wellington
Municipality File No.: 23T-16003
OMB Case No.: PL171442
OMB File No.: PL171442
OMB Case Name: Sorbara Group of Companies v. Centre Wellington (Township)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Sorbara Group of Companies
Subject: Application to amend Zoning By-law No. 2009-045. Neglect of Township of Centre Wellington to make a decision

Existing Zoning: 'Future Development' (FD), 'Environmental Protection' (EP), 'Environmental Protection Overlay' (EPO)

Proposed Zoning: 'Residential (R1C,R3 & R6)', 'Open Space (OS)', 'Commercial (C3)', 'Environment Protection (EP)'

Purpose: To permit the creation of a range of housing

Property Address/Description:	units (1083 - 1178) comprising a variety of residential and commercial/mixed use Part Lots 18, 19 & 20, Concession 14
Municipality:	Township of Centre Wellington
Municipality File No.:	RZ/11/16
OMB Case No.:	PL171442
OMB File No.:	PL171486

Heard: November 16, 2018 by Telephone Conference Call (“TCC”)

APPEARANCES:

Parties

Counsel

Sorbara Group of Companies (Nigus Storybrook LP) (“Applicant”/ “Appellant”)

Chris Barnett

County of Wellington (“County”) and Township of Centre Wellington (“Township”)

Peter Pickfield

MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON NOVEMBER 16, 2018 AND ORDER OF THE TRIBUNAL

PROCEEDINGS

[1] This hearing by TCC was held to hear a settlement of the Parties pertaining to Phase 2 of the Applicant’s development plans in Fergus.

[2] The Applicant had appealed the County and Township’s failure to make a decision on applications for Plan of Subdivision (“Subdivision”) and Zoning By-law Amendment (“ZBA”).

[3] The Parties seek an order from the Tribunal to approve, for Phase 2, the revised Subdivision with conditions and the revised ZBA.

[4] The Participants, Alexandra and Derek Graham, and Shelley Allan, on behalf of

her parents, Muriel and Douglas Allan, remain concerned over the size of the development and resulting impacts on traffic congestion and road safety. Their concerns were not supported by evidence contrary to the traffic studies accepted by the County and Township.

[5] Kevin Muir, Registered Professional Planner, provided affidavit and oral evidence in support of the Subdivision and ZBA and in response to the Participants' concerns. The Tribunal qualified Mr. Muir to provide opinion evidence in the area of land use planning.

[6] Mr. Muir referred to the traffic studies completed and accepted at each stage of the development process, including for the approved Secondary Plan governing this area of Fergus, for the approved Phase 1 Subdivision, and again for the current Phase 2 Subdivision.

[7] Mr. Muir's affidavit evidence explains that the proposed development consists of detached houses, townhouses, parks, natural heritage features, stormwater management facilities, and mixed use opportunities associated with the existing dwelling on the property.

[8] Mr. Muir outlines the relevant provincial, County and Township policies on such matters as location, density, liveable communities, the efficient use of land, infrastructure and services, a mix of housing, and protecting natural heritage features. He concludes that the Subdivision satisfies s. 51(24) of the *Planning Act* ("Act"), and that both the Subdivision and ZBA have regard for the provincial interests in s. 2 of the Act, are consistent with the Provincial Policy Statement, conform with the Growth Plan for the Greater Golden Horseshoe (2006), conform with the County Official Plan and the Township Official Plan, including the Secondary Plan for this area, and represent good planning.

[9] The Tribunal accepts the uncontroverted planning evidence of Mr. Muir, as bolstered by the agreed settlement of the Parties, and finds that the Subdivision, with conditions, and the ZBA satisfy all legislative tests for approval as reviewed by Mr. Muir

and noted above, and represent good planning in the public interest.

[10] The Tribunal has reviewed the traffic evidence as incorporated into Mr. Muir's opinion evidence and finds that there is no evidence from the Participants that challenges the traffic evidence as accepted by the County and Township. The Tribunal finds that matters of traffic have been addressed sufficiently to support an approval of the Phase 2 subdivision. The Tribunal understands that the ongoing concerns of the Participants are known to the County and the Township, and that the Participants may wish to remain involved in local planning matters, including Phase 3 of this development plan for which a further Pre-hearing Conference ("PHC") is scheduled as noted below.

[11] The requested order returns authority to the County for the clearance of conditions and the final approval of the Subdivision. The Parties agree, and the Tribunal authorizes, that such authority includes minor "red-line" revisions to the draft plan which may arise during the finalization of documents.

ORDER

[12] The Tribunal orders as follows.

Phase 2

[13] The appeals are allowed in part as set out below, as they relate to the lands shown as Phase 2 in Attachment 1.

[14] The draft plan of subdivision for the lands shown as Phase 2 in Attachment 1 is approved, subject to the conditions set out in Attachment 2.

[15] Zoning By-law No. 2009-045 is amended in the manner set out in Attachment 3.

[16] The Township Clerk is authorized to assign numbers to the By-law in Attachment 3 for record-keeping purposes.

[17] Final approval of the plan of subdivision for the lands shown as Phase 2 in

Attachment 1, for the purposes of s. 51(58) of the Act, is given to the County of Wellington, pursuant to s. 51(56.1) of the Act.

Phase 3

[18] The appeals shall continue as they relate to the lands shown as Phase 3 in Attachment 1.

[19] As scheduled previously, the next PHC for Phase 3 will commence at **10 a.m.** on **Tuesday, April 30, 2019 at:**

**Township of Centre Wellington
Municipal Building
Council Chambers
1 MacDonald Square
Elora, Ontario**

[20] No further notice will be given.

[21] This Tribunal Member is not seized.

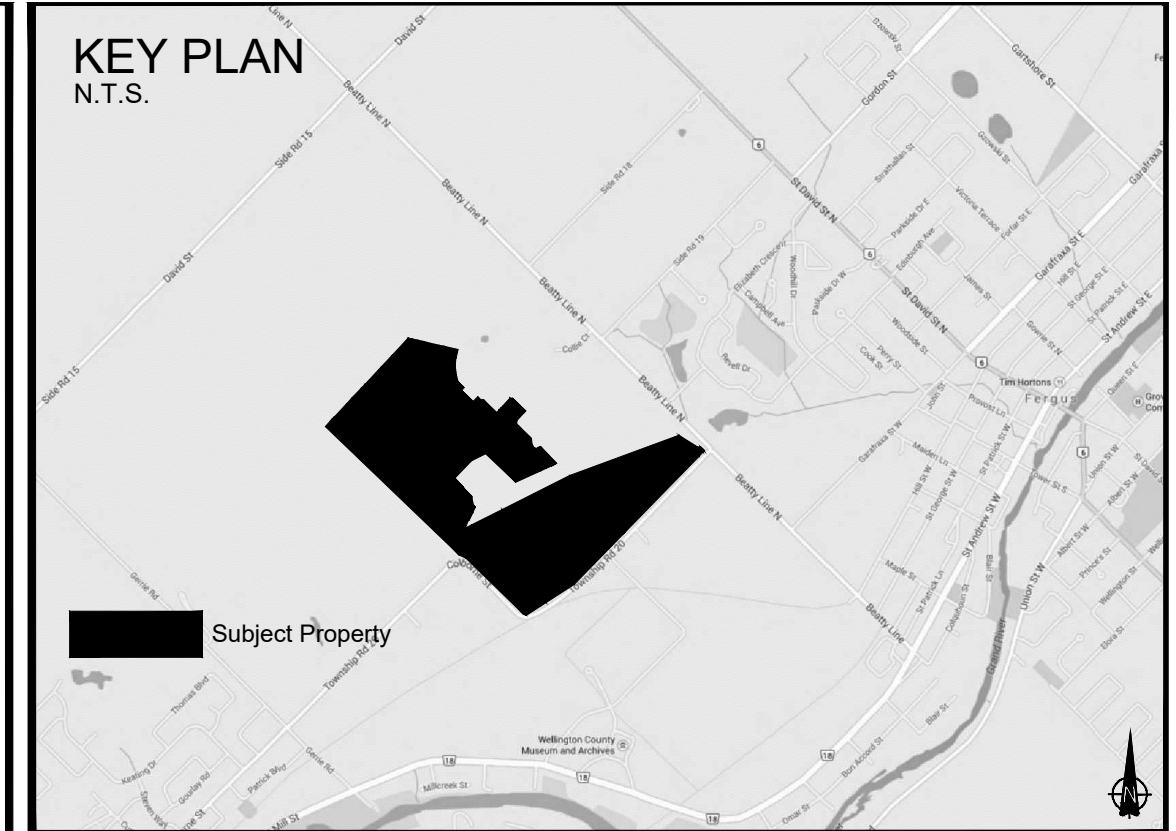
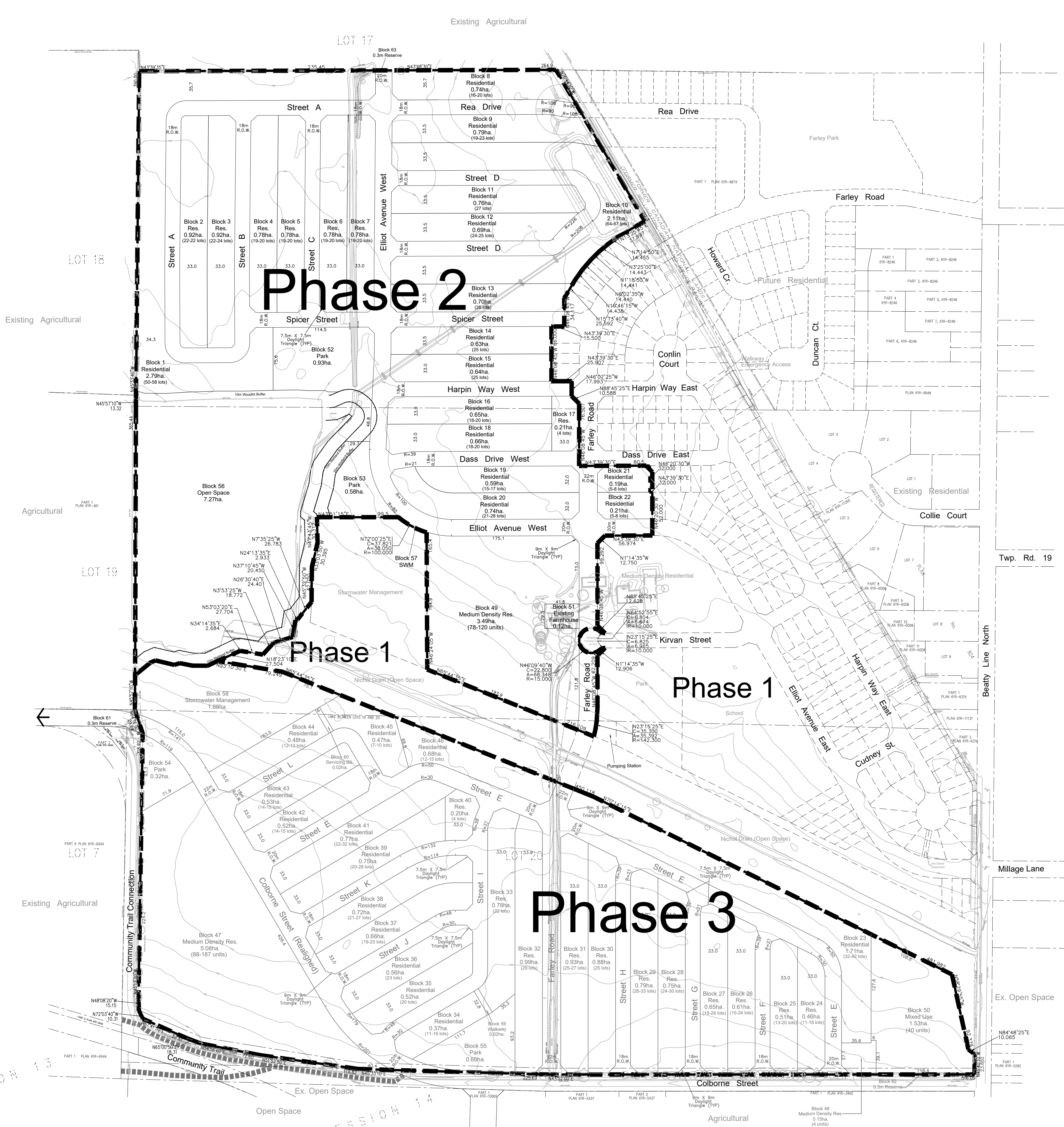
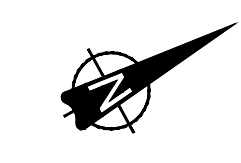
“S. Tousaw”

S. TOUSAW
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248



DRAFT PLAN OF SUBDIVISION

Part of Lots 18, 19 and 20
Concession 14
(Geographic Township of Nichol)
Township of Centre Wellington
County of Wellington

AREA SCHEDULE			
PHASE 2	LOTS/BLKS.	UNITS	AREA (ha.)
Single Detached Residential & Street Towns	1-22	478-527	18.06
Medium Density Residential	49	78-120	3.49
Existing Farmhouse	51		0.12
Park	52,53		1.51
Open Space	56		7.27
Stormwater Management	57		0.00
0.3m Reserve	63		0.00
Roads			7.34
Total		556-647	37.79

AREA SCHEDULE			
PHASE 3	LOTS/BLKS.	UNITS	AREA (ha.)
Single Detached Residential & Street Towns	23-46	444-538	16.29
Medium Density Residential	47,48	92-191	5.23
Mixed Use	50	40	1.53
Park	54,55		0.92
Stormwater Management	58		1.88
Walkway	59		0.02
Servicing Block	60		0.02
0.3m Reserve	61,62		0.00
Roads			6.98
Total		576-769	32.85

TOTAL PHASES 2 & 3			
	LOTS/BLKS.	UNITS	AREA (ha.)
Single Detached Residential & Street Towns	1-46	922-1065	34.35
Medium Density Residential	47-48	170-311	8.72
Mixed Use	50	40	1.53
Existing Farmhouse	51		0.12
Park	52-55		2.43
Open Space	56		7.27
Stormwater Management	57,58		1.88
Walkway	59		0.02
Servicing Block	60		0.02
0.3m Reserve	61-63		0.00
Roads			14.30
Total		1132-1416	70.64

NOTE
DAYLIGHT TRIANGLES FOR LOCAL STREETS ARE 7.5m x 7.5m AND 9m x 9m FOR DAYLIGHT TRIANGLES AT COLLECTORS.

ADDITIONAL INFORMATION
(UNDER SECTION 51(17) OF THE PLANNING ACT)
INFORMATION REQUIRED BY CLAUSES a,b,c,d,e,f,g,j and l ARE AS SHOWN ON THE DRAFT PLAN.
h) Municipal water supply
i) Predominantly sandy silt to clayey silt glacial till deposits, with sand and gravel deposits in certain locations.
k) All sanitary and storm sewers as required.

OWNER'S CERTIFICATE
I AUTHORIZE THE GSP GROUP INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE COUNTY OF WELLINGTON.

[Signature] December 16, 2016
OWNER DATE

SURVEYOR'S CERTIFICATE
I CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR

[Signature] Dec 19, 2016
GRANT STIDWILL, O.L.S. DATE
J.D. Barnes Ltd.

GSP group
PLANNING | URBAN DESIGN
LANDSCAPE ARCHITECTURE
gspgroup.ca

REVISIONS
May 11, 2018
November 5, 2018

ATTACHMENT 2

CONDITIONS OF APPROVAL FOR DRAFT PLAN OF SUBDIVISION 23T-16003

No.	Condition:
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1. THAT this approval applies to the Phase 2 of the draft plan, County of Wellington File No. 23T-16003 as dated November 5, 2018 by GSP Group Ltd. (Project No. 14175.40), showing Blocks 1-22 being 478 to 527 single detached and street townhouse dwellings (18.06 ha); Block 49 being 78 to 120 medium density residential dwellings (3.49 ha); Block 51 being an existing farmhouse (0.12 ha); Blocks 52 and 53 being public parks (1.51 ha); Block 56 being an open space block (7.27 ha); Block 57 being a stormwater management area (0 ha); Block 63 being a 0.3 metre reserve blocks (0 ha); and the remainder as public streets (7.34 ha); altogether for a total of 556 to 647 dwellings on 37.79 hectares of land.
2. THAT the plan proposed for registration for any phase within the subdivision shall be reviewed and accepted by the Township of Centre Wellington prior to the County of Wellington's granting final approval. Prior to registration of the Final Plan for each phase in the Draft Plan, the Subdivider shall provide a lotting scheme of all residential blocks within the Final Plan for the phase to be registered, which shall include a lotting scheme of all residential blocks immediately adjacent to the phase to be registered, for the purpose of confirming housing types, lot sizes and compliance to the applicable minimum lot requirements in the Township Zoning By-law, as well as ensuring that the phase to be registered provides an overall range and mix of housing types contemplated for the entire Draft Plan, all to the satisfaction of the Township. The Subdivider further agrees that the Final Plan to be registered for the applicable phase shall conform to the lotting plan approved by the Township. The lotting pattern shall be designed to establish a mix of lot frontages along street blocks to promote variety and on-street parking opportunities and to encourage a mixture of lot sizes on a street block.
3. THAT the road allowances included in this draft plan shall be shown and dedicated as public highways.
4. THAT the streets shall be named, subject to final approval of the Township, and provided that such new street names are not duplicates of street names or phonetic sounding street names elsewhere in the County of Wellington.
5. THAT any dead ends, daylighting triangles at street intersections and open sides of road allowances created by this draft plan shall be terminated in 0.3 metre reserves to be conveyed to and held in trust, by the Township of Centre Wellington.

6. THAT the Owner agrees to satisfy the requirements of the Township of Centre Wellington in reference to parkland dedication in a manner satisfactory to the Township of Centre Wellington.
7. THAT prior to final approval by the County of Wellington, the County of Wellington is to be advised by the Township of Centre Wellington that appropriate zoning is in effect for this proposed subdivision.
8. THAT the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Township of Centre Wellington and without limiting the generality of the foregoing, the provision of roads, installation of services, and drainage.
9. THAT the Owner shall prepare and implement a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the Township and/or County. All damage or maintenance required to surrounding streets as a result of such traffic shall be at the developer's cost.
10. THAT the subdivision agreement between the Owner and the Township of Centre Wellington contain provisions satisfactory to the Township of Centre Wellington to address phasing and/or staging arrangements acceptable to the Township of Centre Wellington.
11. THAT, prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority:
 - a. A detailed storm water management report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual", in keeping with the Functional Servicing and Stormwater Management Report, Storybrook Subdivision, prepared by R.J. Burnside & Associates Limited, dated December 2016, with supplemental information dated February 2017.
 - b. A detailed Lot Grading, Servicing and Storm Drainage Plan.
 - c. An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction.
 - d. An application for permit(s) pursuant to Ontario Regulation 150/06 for any works within the GRCA's regulated area.
12. THAT the subdivision agreement between the Owners and the municipality

contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports noted in Condition 11 above.

13. THAT prior to final approval by the County of Wellington, the Owner or its agent shall submit the following plans or reports to the Township of Centre Wellington for review and approval a Baseline Hydrogeology and Impact Assessment report that provides the following:
 - i) An assessment of groundwater level monitoring data from on-site monitoring wells which shall include data collected over four full consecutive seasons. The report shall, based on the observed seasonal fluctuation in groundwater levels, provide a predicted “seasonal high” groundwater elevation across the site as well as a recommended seasonal high groundwater elevation on a lot by lot basis. The recommended high groundwater elevation for each lot is intended to ensure adequate vertical separation from the underside of the proposed basement floor elevation to the seasonal high groundwater elevation as a given lot. Proposed lot grading plans for the development shall provide a minimum 0.3m separation on all lots which may be achieved through an acceptable alternative such as an approved foundation drain collection system.
 - ii) Unless waived by the Township, a recommended protocol for a private well monitoring program which shall be undertaken quarterly by the developer. The monitoring protocol shall be approved by the Township prior to its implementation.
14. THAT the subdivision agreement between the Owner and the Township of Centre Wellington shall contain provisions satisfactory to the Township of Centre Wellington whereby the Owner shall agree:
 - a) To implement and/or undertake all works according to all plans and reports, addendums thereto or supporting material submitted in support of the draft plan, including:
 - a. Wetland Assessment and Water Balance Study
 - b. Functional Servicing Report
 - c. Scoped Environmental Impact Study
 - d. Arborist Report
 - e. Urban Design Brief
 - f. Traffic Impact Study
 - g. Cultural Heritage Impact Assessment
 - h. Hydrogeological Study
 - i. Archaeological Assessment
 - b) To construct, install and maintain erosion and siltation control facilities, satisfactory to the Township, prior to any grading or construction on the

- subdivision lands in accordance with the approved Erosion and Siltation Control Plan. The erosion and siltation control facilities shall be inspected by the Owner's engineer during all phases of development and construction including grading, servicing, and building construction, and such inspection reports shall be submitted to the Township on a monthly or more frequent basis as set out in the subdivision agreement.
- c) To maintain all storm water management and erosion and sedimentation control structures in good repair and operating order throughout all phases of construction until final acceptance of services has been granted by the Township of Centre Wellington.
 - d) To appoint an architectural control consultant to the satisfaction of the Township for the purposes of reviewing lot site plans and front building elevations to ensure consistency with the Urban Design Brief.
 - e) To erect a subdivision sign on the property containing the following information:
 - i. Identifying all proposed uses within the draft approved plan of subdivision.
 - ii. Identifying off street parking restrictions to be imposed by the Township upon final acceptance of the subdivision.
 - iii. Illustrating the location of proposed sidewalks, public walkways, trails, fences and community mailbox locations
 - f) To pay the cost of supplying and erecting street name and traffic control signs in the subdivision, to the satisfaction of the Township.
 - g) To abandon, in accordance with the Ministry of Environment Regulations and Guidelines, any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations within the limits of the draft plan of subdivision, to the satisfaction of the Township's Managing Director of Infrastructure Services.
15. THAT the subdivision agreement between the Owner and the Township of Centre Wellington shall contain provisions whereby the Owner shall make satisfactory arrangements with the appropriate providers for the provision of permanent and/or temporary hydro, telephone, natural gas, fibre-optic and cable television services to this plan.
16. THAT the subdivision agreement between the Owner and the Township of Centre Wellington be registered against the lands to which it applies, and that a copy of the registered subdivision agreement is filed with the County of

Wellington.

17. THAT the Owner and the Township of Centre Wellington and/or the County of Wellington, where applicable, shall enter into an agreement containing provisions satisfactory to the Township of Centre Wellington and/or the County of Wellington to address service financing in order to ensure the construction and financing of all external services which are deemed necessary by the Township of Centre Wellington and/or the County of Wellington, to provide appropriate levels of service to this plan of subdivision.
18. THAT prior to final approval by the County of Wellington, the County of Wellington is to be advised in writing by the Upper Grand District School Board that the Developer and the School Board have reached an agreement regarding the supply and installation of a sign (at the Developers expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents that students may be directed to schools outside the neighbourhood.
19. THAT the Owner/Developer agrees in the subdivision agreement to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:

"Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may in future have to be transferred to another school."
20. THAT the Owner/Developer shall agree in the subdivision agreement to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease:

"In order to limit liability, public school buses operated by the Service de transport de Wellington-Dufferin Student Transportation Services (STWDSTS), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, and potential busing students will be required to meet the bus at a congregated bus pick-up point."
21. THAT the Owner shall agree in the subdivision agreement that adequate sidewalks, lighting and snow removal (on sidewalks and walkways) will be provided to allow children to walk safely to school or to a designated bus pickup point.

22. THAT the Owner shall agree in the subdivision agreement that Education Development Charges shall be paid prior to the issuance of a building permit.
23. THAT the Owner shall agree in the subdivision agreement to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease:

“A potential school site (Block 177 of Plan 61M-223) has been provided in an adjacent subdivision plan. The construction of a public school in the community is not guaranteed. Attendance at a school yet to be constructed in the area is also not guaranteed.”

24. THAT prior to final approval by the County of Wellington, the Owner agrees in writing satisfactory to the Upper Grand District School Board to provide the Board with a digital file of the plan of subdivision in either **ARC/INFO** export or **DXF** format containing the following information: parcel fabric and street network.
25. THAT the Owner provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Union Gas.
26. THAT the Owner shall complete to the satisfaction of Canada Post the following:
 - a) include on all offers of purchase and sale a statement that advises the prospective purchaser:
 - i) that home/business mail delivery will be from a designated Centralized Mail Box;
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b) the owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - ii) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on the appropriate maps, information boards posted in the subdivision. Maps are also to be prominently displayed in the sales office showing specific Centralized Mail Facility locations.

Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

- c) that the installation of island(s) or median(s) on the streets or roadways adjacent to the easement(s) chosen for Community Mailbox use be prohibited.
27. THAT the Owner provide a copy of the final plan of subdivision created in Autocad (.dwg) format and submitted on CD (compact disc) media or by email to the satisfaction of the County of Wellington.
 28. THAT the Owner provide a copy of the deposited Reference Plan submitted to the Land Registry/Titles Office for Wellington (No. 61) for "First Registration Under the Land Titles Act, R.S.O. 1990, c.L.5" to the satisfaction of the County of Wellington.
 29. THAT the Owner have prepared by an Ontario Land Surveyor a final plan in accordance with the Surveys Act, and with the Registry Act or the Land Titles Act, as the case may be and have provided that plan (***being 2 mylars and 4 white prints – one white print with Ontario Surveyors Association sticker attached***) to the Director of Planning and Development for the County of Wellington prior to the lapsing date.
 30. THAT, if final approval is not given to this draft plan **No. 23T-16003** within five (5) years of the day that draft approval is granted and if no extensions have been granted pursuant to subsection 51(33) of the Planning Act, draft approval shall lapse under subsection 51(32) of the Planning Act, R.S.O. 1990. If the Owner wishes to request an extension to draft approval, a written explanation, together with a resolution from the Township of Centre Wellington must be received by the Director of Planning and Development for the County of Wellington **prior to the lapsing date**. Please note that an updated review of the plan, revisions to the conditions of approval, and any applicable fees, may be necessary if an extension is to be granted.
 31. THAT the County of Wellington be advised in writing by the **Township of Centre Wellington** that conditions **1 through 10 and 13 through 17** have been satisfied.
 32. THAT the County of Wellington be advised in writing by the **Grand River Conservation Authority** that conditions **11 and 12** have been satisfied.
 33. THAT the County of Wellington be advised in writing by the **Upper Grand District School Board** that conditions **18 through 24** have been satisfied.

34. THAT the County of Wellington be advised in writing by **Union Gas** that condition **25** has been satisfied.
35. THAT the County of Wellington be advised in writing by **Canada Post** that condition **26** has been satisfied.
36. THAT the Owner remit to the County of Wellington the applicable final approval fee when the final plan is being presented to the County of Wellington for the County's consideration for final plan approval.

ATTACHMENT 3

THE CORPORATION OF THE TOWNSHIP OF CENTRE WELLINGTON

BY-LAW 2018 - XX

A by-law to amend the Township of Centre Wellington Zoning By-law 2009-045, as amended, to change the zoning of certain land from “FD” and “EP”, to “EP”, “OS”, “R1B.66.4”, “R2.66.5”, “R4.66.6” and “R6.66.7”.

WHEREAS the Council of the Corporation of the Township of Centre Wellington deems it desirable to amend By-law No. 2009-045, as amended, pursuant to Section 34 of the Planning Act, R.S.O. 1990;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CENTRE WELLINGTON HEREBY ENACTS AS FOLLOWS:

1. Schedule “A”, Map 66, to By-law No. 2009-045 is hereby amended in accordance with the attached Schedule “A” which forms part of this by-law.
2. Section 15 of By-law No. 2009-045, as amended, is hereby further amended by adding the following Exception 15.66.4:

15.66.4 R1B.66.4 Notwithstanding anything else in this by-law to the contrary, the following special provisions shall apply to land zoned R1B.66.4:

Permitted Uses

- Any use permitted by the R1B zone

Lot Regulations

A	Minimum Lot Frontage	12.0 m
B	Minimum Lot Area	360 m ²
C	Minimum Lot Depth	Not applicable
D	Maximum Building Height	3 storeys but no more than 11 m
E	Minimum Front Yard	4.5 m, except where a driveway crosses a front lot line, the minimum setback to a garage shall be 6.0 m
F	Minimum Exterior Side Yard	4.2 m, except where a driveway crosses an exterior side lot line, the minimum setback to a garage shall be 6.0 m
G	Minimum Side Yard	1.2 m on one side 0.6 m on other side 1.8 m between adjacent dwellings
H	Minimum Rear Yard	7.5 m
I	Maximum Lot Coverage (Includes accessory buildings)	45%

J	Minimum Landscaped Open Space	The Front Yard on any lot, excepting the driveway shall be landscaped and no parking shall be permitted within this landscaped area. The driveway shall not constitute more than 50% of the width of the Front Yard but in no case shall be greater than 6.0 m wide.
K	Encroachment Exceptions from Table 4C	<p>a) A balcony, uncovered porch or covered and unenclosed porch may project a maximum of 2.0 metres into a front yard, exterior side yard or rear yard.</p> <p>b) A Deck or other ground oriented amenity area that is more than 1.2 m above finished grade but not exceeding the height of the main floor/entry level may encroach into a required rear yard by no more than 2.0 m.</p> <p>c) An additional maximum 1.0m projection into the Front Yard, Exterior Side Yard and/or Rear Yard is permitted for steps further to the above encroachments.</p>

3. Section 15 of By-law No. 2009-045, as amended, is hereby further amended by adding the following Exception 15.66.5:

15.66.5 R2.66.5 Notwithstanding anything else in this by-law to the contrary, the following special provisions shall apply to land zoned R2.66.5:

Permitted Uses

- all uses permitted by the R2 zone, but not including duplex dwelling
- a street townhouse dwelling

Lot Regulations

A	Residential Unit Type	Single Detached Dwelling	Semi Detached Dwelling	Street Townhouse
B	Minimum Lot Frontage	9 m	7.5 m per unit	6 m per unit
C	Minimum Lot Area	270 m ²	225 m ² per unit	180 m ² per unit
D	Maximum Building Height	3 storeys but not greater than 11 m		
E	Minimum Front Yard	4.5 m, but 6 m to front face of a garage if the driveway crosses the front lot line.		
F	Minimum Exterior Side Yard	4.2 m, but 6 m to front face of a garage if the driveway crosses the exterior side lot line.		

G	Minimum Side Yard (1)	1.2 m on one side; 0.6 m on the other side; 1.8 m between dwellings on abutting lots	1.2 m on the unattached side	1.5 m on the unattached side
H	Minimum Rear Yard	7.5 m		
I	Maximum Lot Coverage, including accessory buildings	Not Applicable		
J	Minimum Landscaped Open Space	The Front Yard on any Lot, excepting the Driveway shall be landscaped and no parking shall be permitted within this Landscaped Open Space.		
K	Driveway Width Restriction	The width of the driveway shall not exceed 55% of the lot width		
L	Maximum Number of Attached Dwelling Units in a Row	Not applicable	Not applicable	8
M	Encroachment Exceptions from Table 4C	<p>a) A balcony, uncovered porch or covered and unenclosed porch may project a maximum of 2.0 metres into a front yard, exterior side yard or rear yard.</p> <p>b) A Deck or other ground oriented amenity area that is more than 1.2 m above finished grade but not exceeding the height of the main floor/entry level may encroach into a required rear yard by no more than 2.0 m.</p> <p>c) An additional maximum 1.0m projection into the Front Yard, Exterior Side Yard and/or Rear Yard Deck is permitted for steps further to the above encroachments.</p>		

4. Section 15 of By-law No. 2009-045, as amended, is hereby further amended by adding the following Exception 15.66.6:

15.66.6 R4.66.6 Notwithstanding anything else in this by-law to the contrary, the following special provisions shall apply to land zoned R4.66.6:

1. Permitted Uses

All uses permitted by the R3 zone
All uses permitted by the R4 zone

2. Lot Regulations, Street Townhouse dwellings

- Same as the provisions of the R2.66.5 zone

3. Lot Regulations, Cluster Townhouse dwellings
 - Same as the provisions of the R3.66.2 zone
4. Lot Regulations, Stacked Townhouse Dwellings
 - Same as the provisions of the R4 zone
5. Lot Regulations, Apartment Dwellings
 - Same as the provisions of the R4 zone
6. Creation of Parcels

Where a lot has been comprehensively planned and is subject to an approved site plan pursuant to Section 41 of the Planning Act, any zoning deficiencies resulting from the creation of parcels-of-tied land shall be deemed to conform to the regulations of the by-law provided that all applicable regulations of the by-law relative to the whole lot and its external lot lines as they existed prior to any condominium plan registration are satisfied.

5. Section 15 of By-law No. 2009-045, as amended, is hereby further amended by adding the following Exception 15.66.7:

15.66.7 R6.66.7 PERMITTED USES

Within any R6.66.7 Zone, no land shall be used and no building or structure shall be constructed, altered or used except for one or more of the following:

- a bed and breakfast establishment (Class 1 or Class 2)
- a business or professional office
- a church
- a commercial school or studio
- a day nursery
- a funeral home
- a medical clinic
- a personal service shop
- a private or commercial club
- a public building
- a school
- any use permitted within the R1A Zone

REGULATIONS

Within any R6.66.7 Zone, no land shall be used and no building or structure shall be constructed, altered or used except in conformity with the following regulations:

Minimum Lot Area	700 m ²
Minimum Lot Frontage	20 m
Minimum Lot Depth	30 m
Minimum Front Yard	4.5 m
Minimum Rear Yard	7.5 m
Minimum Side Yards	3 m
Maximum Lot Coverage	40%
Minimum Landscaped Area	20%

Buffer Strip: A buffer area is required along any interior side lot line and rear lot line which abuts land zoned for residential or institutional purposes.

OUTDOOR STORAGE

The outdoor storage of any goods, materials or equipment is not permitted in any R6.66.7 Zone.

RESIDENTIAL UNITS WITHIN COMMERCIAL BUILDINGS

A building used for a permitted commercial use may also contain one or more residential dwelling units in combination with a permitted use only in accordance with the following provisions:

Each dwelling unit shall form part of the main building and shall be located on the second or higher floors;

Each dwelling unit shall be fully self-contained

Each dwelling unit shall have direct means of access to a public street by means of stairs or halls; and,

All other requirements of this By-law shall be complied with.

OTHER PROVISIONS

Accessory uses, buffer areas, off-street parking and off-street loading shall be provided in accordance with the applicable general provisions

- 6. All other applicable provisions of By-law No. 2009-045 shall continue to apply to the lands affected by this amendment.
- 7. This by-law shall come into effect on the date of final enactment by the Council pursuant to Section 34 of the Planning Act, R.S.O., 1990.

READ A FIRST AND SECOND TIME THIS xx DAY OF xxxxxxxx, 2018.

Mayor Kelly Linton

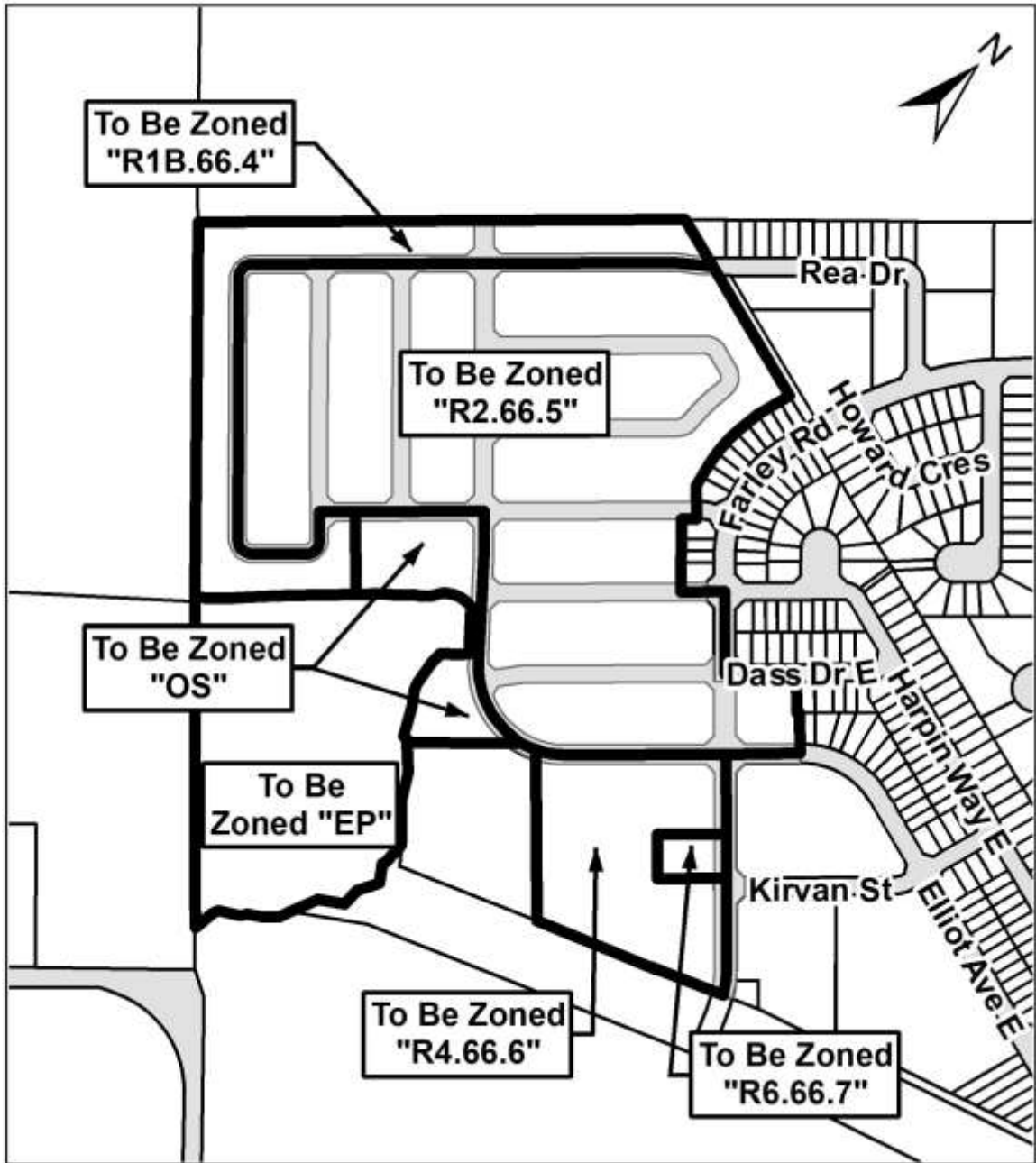
Municipal Clerk – Kerri O’Kane

READ A THIRD TIME AND PASSED THIS xxTH DAY OF xxxxxxxxx, 2018.

Mayor Kelly Linton

Municipal Clerk – Kerri O’Kane

TOWNSHIP OF CENTRE WELLINGTON
SCHEDULE "A"
BY-LAW NO. 2018 – XX
An Amendment to Township of Centre Wellington
Zoning By-law No. 2009-045 as amended



THIS IS SCHEDULE "A" TO BY-LAW NO. 2018 – XX

PASSED THIS xxTH DAY OF xxxxxxxx, 2018.

Mayor

Municipal Clerk